

Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Sixty-second session

Summary record of the 52nd meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 19 September 2017, at 3 p.m.

Chair: Ms. Briza Gomes

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- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

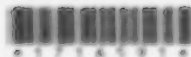
Sixth periodic report of Colombia

* Reopened for technical reasons on 27 September 2017.

** No summary record was issued for the 51st meeting.

This record is subject to correction: corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@unog.ch).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Sixth periodic report of Colombia (E/C.12/COL/6; E/C.12/COL/Q.6 and Add.1)

1. *At the invitation of the Chair, the delegation of Colombia took places at the Committee table.*

2. **Ms. Londoño Soto** (Colombia) said that the situation in Colombia had changed a great deal since 2010, when the country had submitted its previous periodic report. The signing, in 2016, of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace had made it possible to transform Colombian society and institutions and to promote economic, social and cultural rights. The most significant achievement thus far had been the number of lives which had been saved: the current homicide rate was the lowest in 42 years. The peace agreement had also made it possible to begin addressing the pressing issue of the rural-urban divide, which affected access to land and housing, development of infrastructure, health and education, eradication of poverty, and a number of other matters.

3. The three cornerstones of the National Development Plan were peace, fairness and education. The plan sought to guarantee the fundamental rights of the most vulnerable sectors of the population, including persons affected by the conflict, who were officially recognized under the Victims and Land Restitution Act. One of the Government's priorities was the fight against poverty, which had been achieving positive results. Although much remained to be done, since 2014 the number of people in the middle class was greater than the number of people living in poverty. Moreover, between 2010 and 2016, over 5 million Colombians had overcome multidimensional poverty.

4. The unemployment rate had dropped to 9.2 per cent, and 69 per cent of the over 3.9 million new jobs created were in the formal sector, meaning that more than 10 million people would have a pension in the future. In addition, the Government continued to support effective protection measures for trade unionists. The Comprehensive National Early Childhood Strategy had given nearly 1.2 million vulnerable children access to quality preschool education, health services, nutrition, protection and care. Numerous gains had also been made in areas such as the right to adequate housing, the right to water and access to health care. Notably, since 2015, a greater percentage of the national budget had been allocated to education than to defence spending.

5. The steps taken by Colombia to implement the 2030 Agenda for Sustainable Development were bolstering its compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights. International cooperation would continue to play a decisive role in crucial areas such as biodiversity conservation, rural development and security sector reform. In addition, the Government had submitted a series of bills to Congress as part of its efforts to combat corruption, which threatened social investment and overall development.

6. To help build on the progress achieved to date, accurate and disaggregated data were needed. It was also necessary to reinforce forums for social dialogue and to strengthen access to quality basic services. Priority must be given to the peaceful settlement of disputes, and transparency must be a guiding principle in all the actions taken. Colombia was fully committed to meeting its multiple obligations so as to achieve lasting peace.

7. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that the Committee wished to know whether the State party had plans to ratify the Optional Protocol to the Covenant; if not, it would like to know why ratification was not envisaged.

8. He understood that one of the main aims of the peace agreement was to improve the quality of life of rural communities, which had been particularly affected by the armed conflict. He asked the delegation to describe the key means of guaranteeing the Covenant rights of rural communities under the agreement and to indicate whether the authorities had any statistical data with which to assess progress in the exercise of those rights.

9. The Committee would like an explanation of the reasons for, and the steps taken to address, the unconstitutional state of affairs created by widespread violations of economic, social and cultural rights and non-compliance with Constitutional Court rulings in that regard. Specifically, it would appreciate information on the principal steps taken to combat corruption, which was a significant obstacle to the exercise of such rights.

10. He would welcome details, including statistics, on public policies and programmes to address the crucial issue of land. He would also appreciate an assessment of the feasibility of complying with the provisions of item 1 of the peace agreement, which dealt with the restitution of land. In addition, the delegation should describe the measures in the Victims and Land Restitution Act that were directly aimed at Colombian returnees.

11. He asked how and in what areas the State party made use of mechanisms for free, prior and informed consultation and for public consultation. In particular, he wondered whether the enactment of legislation on prior consultation was a realistic possibility.

12. He would like to know how the State party ensured that structural tax reform measures were not biased in favour of Colombians in higher income brackets. With regard to gender equality, both generally and in the context of indigenous and Afro-Colombian communities, it would be interesting to hear about plans to strengthen the role of women in decision-making bodies and about women's participation in the crop substitution policy. Lastly, he wished to learn more about the actions taken by the Government to protect human rights defenders dealing with economic, social and cultural rights.

13. **Mr. Sandoval Bernal** (Colombia) said that Colombia was not against ratifying the Optional Protocol. It simply needed to study the matter further in order to assess the implications of ratification, particularly in the light of its concerns regarding article 10 on inter-State communications.

14. **Ms. Londoño Soto** (Colombia) said that bridging the gap between rural and urban development was the most complex issue facing the State party. Rural communities were lagging behind significantly in terms of infrastructure and basic services, for example, and the situation called for not only an extension of coverage, but also an improvement of the quality of what was already available.

15. **Ms. Alfaro Castillo** (Colombia) said that, as land disputes were one of the central causes of violence associated with the armed conflict, numerous institutional and legislative measures were under way as part of the rural reform provided for under the peace agreement. All branches of government were working together to move the country forward at what was a turning point in its history. The international community had acknowledged the State party's efforts to ensure that its approach not only incorporated a gender perspective, but also involved the country's campesino, indigenous and Afro-Colombian populations.

16. **Mr. Salazar Cuéllar** (Colombia) said that the peace agreement expressly called for an integrated information system and measures to ensure transparency in the agreement's implementation. The goal was to periodically monitor the status of the commitments undertaken so as to keep track of their progress.

17. **Mr. Moreno Gutiérrez** (Colombia) said that a Central Register of Victims of the armed conflict had been established under the Victims and Land Restitution Act. Data in the Register were disaggregated according to criteria such as community and gender. Regarding the Constitutional Court's declaration of an unconstitutional state of affairs in Colombia, the Comprehensive Victim Support and Reparation Unit had held public meetings with that Court to assess the progress made in addressing the situation. One of the biggest challenges identified was access to adequate housing, and one of the main achievements identified was the Central Register of Victims.

18. Under Act No. 1565 of 2012, which provided for the voluntary return of citizens to the country within the framework of general migration, victims of the armed conflict who lived outside the country could also be included in the Register. Although there had initially been problems in providing victims outside the country with the relevant information, the deadline for registration had subsequently been extended to remedy the situation. Colombian consulates had received instructions concerning the online registration process.

and there were currently more than 13,000 victims officially registered. It was important to emphasize that the provisions of the Victims and Land Restitution Act did not replace the international protection afforded to refugees and did not affect their status as such until they had been repatriated under Act No. 1565.

19. **Ms. Londoño Soto** (Colombia) pointed out that her Government was making every effort to repay a historical debt to the Afro-Colombian, indigenous and other peoples whose land had been taken from them, including by making more than 3 million hectares of land available to such communities. Roads had been built to help rural communities wishing to sell their crops to gain better access to the nearest urban markets.

20. **Ms. Barrera Mariño** (Colombia) said that the Government had been working to strengthen institutions in the agricultural sector, particularly in areas affected by the conflict. A national land agency responsible for the formalization of land tenure had been established, progress had been made in registering land that had been abandoned or expropriated during the conflict, and the courts were currently reviewing a large number of applications for the restoration of victims' rights to recover such land. The local communities concerned were included in that process as a matter of course. Guidelines on preparing the relevant land registers had also been drawn up. The Congress was currently reviewing draft legislation on a national plan to improve housing, irrigation and drainage, technical assistance and environmental protection in rural areas. Lastly, some 17,000 hectares of coca had been eradicated since the Government's recent launch of a voluntary crop substitution initiative.

21. **Ms. Bolívar Vargas** (Colombia) said that a national prisoners' health fund had been established under a law adopted in 2014 with a view to guaranteeing the prison population's access to health care. A number of steps had been taken since 2016 to deal with the emergency that had arisen in the country's prison system, including the provision of health-care facilities in prisons and measures to guarantee the safety of prisoners transported to other facilities for treatment. A needs assessment of the prison infrastructure had been carried out. Significant efforts had also been made to reduce morbidity and mortality rates and prevent accidents in prisons.

22. **Mr. Sandoval Bernal** (Colombia) said that Colombia was among the countries that held the largest number of public consultations on matters of concern to their people. Colombia had been one of the first States to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). There were a number of domestic legal provisions establishing protections for indigenous and other peoples, including article 330 of the Constitution, which stipulated that any exploitation of natural resources in indigenous territories must not impair the cultural, social and economic integrity of indigenous communities, and laws recognizing the right of Afro-Colombian communities to collectively own and use land. Furthermore, guidance on the procedures for conducting prior consultations with ethnic groups had been established under Presidential Directive No. 10 of 2013. Since 2016, some 5,000 consultations with indigenous and Afro-Colombian communities had been held throughout the country, on the basis of transparency and mutual respect. Legislation regulating the procedures for holding such consultations was currently being drafted, in coordination with the communities concerned. Lastly, the Constitutional Court was currently studying the nature and effects of public consultations.

23. **Mr. Salazar Cuñilar** (Colombia) said that the Government had been working towards a more progressive tax system, including changes in personal income tax to ensure that those who earned more paid more and those working in the informal sector paid less. Under the current reform, tax returns had been simplified and tax benefits no longer favoured persons with higher incomes who did not spend most of their income on essential goods. A greater share of tax revenues would be allocated to public education and health. The tax on tobacco had been tripled. Tax incentives had also been introduced to promote employment and economic activity in the rural areas most affected by the armed conflict.

24. **Ms. Romero Cristancho** (Colombia) said that the national public policy on gender equality was intended to involve women in peacebuilding, ensure women's economic independence, improve work-life balance, increase women's participation in decision-

making bodies, take a differentiated approach to health care and education and guarantee a life free from violence.

25. **Ms. Gaviria** (Colombia) said that the Ministry of Labour had made sustained efforts to promote gender equity throughout the country by providing training, encouraging companies to employ more women and promoting the integration of women victims of violence into the labour market.

26. **Ms. Barrera Mariño** (Colombia) said that a directorate for rural women had been set up in the Ministry of Agriculture in 2017 to help formulate public policies for such women, particularly with a view to upholding the relevant provisions of the peace agreement. The Government received support from the World Bank in devising strategic plans for rural women. A large number of women had been involved in the social management of rural areas and land ownership issues. Efforts had been made to help rural women enter the formal economy. It should be noted that some 40 per cent of the beneficiaries of Regional Renewal Agency programmes were women.

27. **Ms. Londoño Soto** (Colombia), noting that corruption remained a scourge in Colombia, said that her Government was committed to rooting it out and ensuring that the use of public resources was transparent and acts of corruption were duly punished. Her Government had adopted an anti-corruption strategy that included better access to public information, the promotion of integrity and an end to impunity. A number of bills in that regard, including one on whistle-blower protection and one on campaign finance reform, were currently before the Congress. Several entities had been established to promote transparency, inter alia in government procurement. Anti-bribery legislation had been amended to bring it into line with international standards. A large number of corruption cases were currently being investigated, 47 cases were at the trial stage and 16 sentences had been handed down.

28. Turning to the issue of crop substitution, she emphasized that the relevant programmes were all voluntary and involved close coordination with the local communities concerned. There had been a clear increase in the number of hectares used for illicit crops. Nevertheless, the Government was determined to overcome the problem. Since 2015, Colombia had suspended the use of the herbicide glyphosate to destroy illegal coca crops and had relied instead on manual eradication. The Government was making other efforts to ensure that crop substitution did not present any threats to the environment. That said, the eradication of such crops was a common responsibility to be shared by the international community, as most of the crops were consumed outside Colombia.

29. The situation of human rights defenders was a matter of great concern to her Government. Such defenders were often women working to protect economic, social and cultural rights in rural areas. Many such women had been harassed and some had even been murdered. A government body had thus been set up to ensure the protection of human rights defenders, community organizers, trade union leaders and others. The information gathered by that body on threats and attacks against such persons had led to a significant number of prosecutions. Nevertheless, between January 2016 and August 2017, some 200 persons had been murdered. In the light of such attacks, the Government had adopted a policy of zero tolerance for violations against human rights defenders.

30. **Mr. De Schutter** (Country Task Force) said that, while he commended the State party's efforts to fight corruption and the adoption of anti-bribery legislation in 2016, it was regrettable that very few cases of corruption reported to the authorities had been investigated or had resulted in prosecution and punishment. Some 4 million children had been denied access to the school feeding programme because of corruption and the lack of adequate safeguards against corrupt procurement practices. The best way to combat corruption was to adopt a rights-based approach that involved informing programme beneficiaries about their rights and the complaints mechanisms available to them, and protecting whistle-blowers. He also wished to thank the delegation for its comments on obstacles to ratification of the Optional Protocol. If the only such obstacle was article 10, then that could easily be overcome, as the article allowed States to choose whether or not to declare that they recognized the competence of the Committee to receive and consider inter-State communications.

31. The National Plan on Business and Human Rights did not provide a strong legal framework for monitoring the activities of the private sector. He therefore wished to know whether the State party envisioned strengthening the plan in accordance with the Committee's general comment No. 24 on State obligations under the Covenant in the context of business activities, which called on States parties to impose due diligence requirements on businesses in order to identify, prevent and mitigate the risks of violations of Covenant rights.

32. **Mr. Sadi** asked whether the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace contained specific references to international human rights treaties. Noting that suspects arrested at airports were held in far better conditions than convicted prisoners, he said that the State party should draw on the Committee's guidance and general comments to address disparities of that kind.

33. **Ms. Liebenberg** invited the delegation to comment on reports that legislation on public consultations was not properly implemented and that the outcomes of consultations were not fully taken into account. She asked how the Government viewed the public consultation process and whether it had proposed new legislation that would dilute that process.

34. **Mr. Abdel-Moneim**, welcoming the State party's tax reform policy, said that any tax incentives offered to investors should not be open-ended; otherwise, the Government would miss out on potential revenue that could be used to protect human rights.

35. **Ms. Shin** asked, with regard to the Central Register of Victims, whether the State party had identified forms of suffering that were specific to women victims, what measures it had taken to address those forms of suffering and whether children born as a result of rape were considered victims. In the light of reports that returning migrants did not have access to credit, she enquired whether the Government was aware of that problem and what steps were being taken to resolve it.

36. **Ms. Londoño Soto** (Colombia) said that steps were being taken to ensure that local communities were kept informed about the services that were available and had direct access to those services.

37. **Ms. Niño Fierro** (Colombia) said that the school feeding programme was run by the decentralized secretariats of education and overseen by various bodies, including the Counsel General's Office and the Comptroller General's Office. Thus far, 23 cases of irregularities had been identified and more than 90 criminal cases were under way. A number of senior public servants had been sentenced to imprisonment.

38. **Ms. Romero Cristancho** (Colombia) said that, although there was no legal framework governing due diligence, the Government had made progress in implementing the National Plan on Business and Human Rights by providing training to stakeholders and taking steps to bring business practices into line with national and international human rights standards. The National Mining Agency, for example, was now required to ensure that the impact of each mining project was assessed and mitigated.

39. Regulatory proposals to improve the implementation of the Plan at the local level would be drawn up by the end of 2017. Good progress had been made in 70 per cent of the key areas set out in the Plan, thanks to inter-agency cooperation and international knowledge-sharing. The Government hoped to push forward with the Plan, monitor its implementation more effectively and start laying the groundwork for a subsequent plan in 2018.

40. **Mr. Sandoval Bernal** (Colombia) said that public consultations were not appropriate in all circumstances because, as stipulated in the Constitution, the State was the owner of all of the country's subsoil and non-renewable natural resources. Communities were consulted in accordance with the existing legislative framework. Any failure to conduct consultations was referred to the Constitutional Court. In some cases, the Court had ordered that activities should be suspended because local communities had not been properly consulted. In 2016, a bill on prior consultation had been submitted to Congress but had not been passed.

41. **Ms. Londoño Soto** (Colombia) said that the disaggregation of data on offences committed against victims was an ongoing process. Data on sexual violence had not yet been broken down, for example. Further steps would be taken to ensure that all women victims had access to the appropriate support.

42. **Mr. Moreno Gutiérrez** (Colombia) said that the data contained in the Central Register of Victims were disaggregated by gender, taking into account lesbian, gay, bisexual, transgender and intersex persons. Of the 10 risks to which women were especially vulnerable, as identified by the Constitutional Court in Order No. 092 of 2008, the most prevalent was the risk of offences against sexual freedom and integrity; some 18,000 women had been victims of offences of that kind. Women victims received support from local NGOs, and awareness-raising on women's rights was being carried out.

43. **Mr. Windfuhr** (Country Task Force) asked what measures would be taken to reduce youth unemployment, particularly among young persons who had been demobilized. He noted that the majority of workers were employed in the informal sector and that many workers earned less than the minimum wage, even in the formal sector, and enquired how the State party intended to address those issues. Drawing attention to the growing gender pay gap, he asked what would be done to promote equal pay and equal access to employment for women and to remove the obstacles faced by persons with disabilities and asylum seekers in the field of employment.

44. Emphasizing the need to increase the number of labour inspectors and noting that many people faced poor working conditions, including long hours and occupational hazards, he said that he would like to know whether the Government considered the minimum wage to be sufficiently high and how it compared to the living wage. Although many trade unionists were now afforded protection, the number of assassinations of trade unionists remained high. As a result, trade union participation was very limited, particularly in the private sector; labour rights were not properly protected, and, according to ILO, many companies engaged in abusive practices.

45. Despite the increase in social security coverage, millions of people were living in poverty and only 7 per cent of those over 65 years of age received a pension. He would appreciate more information on the distribution of poverty and the shortcomings of the non-contributory social assistance scheme. Lastly, he enquired whether the Central Register of Victims was closed to new entries and why only 10 per cent of registered victims had received humanitarian assistance.

46. **Mr. Socarrás** (Colombia) said that, as indicated in his Government's replies to the list of issues (E/C.12/COL/Q/6/Add.1), unemployment had dropped to its lowest level in 16 years thanks to government measures such as the establishment of the Public Employment Service.

47. The Government had introduced various policies to combat informal employment. Over the previous seven years, the rate of formal employment had increased by 6.5 per cent, and that in turn had boosted the rates of participation in pension schemes, the general occupational hazard system and family allowance funds. The pension system and the general occupational hazard system had approximately 10 million members each, and family allowance funds had more than 9 million members. Programmes targeting vulnerable groups, including indigenous people and Afro-Colombians, had also been implemented. In only six years, there had been a threefold increase in the number of beneficiaries of the "Colombia Mayor" programme, which supported older persons, and there were plans to extend its geographical coverage under the Framework Plan on the Implementation of the Peace Agreement.

48. In recent years, the Public Employment Service had helped hundreds of thousands of jobseekers to find work in both the public and the private sectors. Since January 2017, jobs had already been found for more than 225,000 people.

49. In 2016, the Ministry of Labour had allowed self-employed workers whose earnings were at least equal to the minimum wage to opt in to the general occupational hazard system. The periodic allowances programme was a voluntary old-age savings scheme whereby the Government subsidized contributions. The Constitutional Court had declared

that the problems that had previously affected the pension system had been resolved, and Colpensiones now dealt with requests within the statutory time frame and had stamped out corruption in the pension system.

50. Owing to the successful implementation of targeted programmes, unemployment rates were falling among women, young people and residents of rural areas. Formal employment was on the rise in urban areas. In 2016, the formal sector had accounted for 49.6 per cent of total employment in the 13 metropolitan areas of Colombia; that represented an increase of 6.6 percentage points over the 2010 level. The "40,000 First Jobs" programme helped young people to overcome barriers to labour-market access, and the unemployment protection mechanism supported the reintegration of the unemployed.

51. **Ms. Gaviria** (Colombia) said that, since its establishment in 2011, the Ministry of Labour had launched initiatives to promote the employment of persons with disabilities and women, and had embarked on an institution-building process involving the creation of the Public Employment Service and the Office of the Deputy Minister for Employment and Pensions, together with the enhancement of the labour inspection system. The Ministry was working to promote formal employment through the National Network for the Formalization of Employment and, since 2013, through formalization agreements, under which companies received lighter penalties in exchange for the formalization of employment contracts for their workforce. Since 2013, more than 170 formalization agreements had been concluded.

52. The Government had made progress in tackling violence against trade unionists and bringing perpetrators to justice; some 750 such perpetrators had been convicted. Colombia was one of the few countries in the world in which collective bargaining was practised in the public sector. On the basis of the ILO Labour Relations (Public Service) Convention, 1978 (No. 151), the ILO Collective Bargaining Convention, 1981 (No. 154) and relevant national legislation, three collective bargaining agreements had been concluded over the previous six years and had benefited more than 1 million public sector workers. The Constitution established that all workers other than those employed in essential public services had the right to strike, and measures to further strengthen that right were being considered. In June 2017, public sector workers had gone on strike until an agreement had been reached.

53. Legislation had been enacted to crack down on the use of improper outsourcing arrangements. In that connection, the number of labour cooperatives had been reduced significantly between 2010 and 2016, and the total value of fines issued in 2016 alone was nearly US\$ 30 million. Fines could also be imposed for failure to observe relevant labour standards. The Ministry of Labour had doubled the size of its corps of labour inspectors and had been working to integrate women into the labour market, including through the EQUIPARES gender equity certification programme, in which 22 companies participated.

54. The Ministry of Labour had supported legislation to allow workers to contribute to the social security system on a per-day basis with a view to covering a larger share of the workforce. Act No. 1562 of 2012 governed participation in the general occupational hazard system. The Standing Committee on the Coordination of Wages and Employment Policy, in which employers, the Government and workers were represented, held negotiations to determine the minimum wage. The Constitutional Court had established fixed parameters for the determination of the minimum wage and had emphasized the need to maintain a flexible basic living wage.

55. **Ms. Barrera Mariño** (Colombia) said that, under the "Colombia Siembra" programme, the number of hectares under cultivation had increased by more than 1 million over the previous three years, which had created hundreds of thousands of jobs in rural areas. The unemployment rate in rural areas had recently reached its lowest level in many years.

56. **Mr. Moreno Gutiérrez** (Colombia) said that entries were still being added to the Central Register of Victims. The Government had provided humanitarian assistance to 92 per cent of persons who met the necessary criteria. Under the Victims and Land Restitution Act, a total of US\$ 1.4 billion had been spent on humanitarian assistance.

57. **Ms. Gaviria** (Colombia) said that there was a subsidized health plan and a contributory health plan. The overall level of coverage was 95 per cent. Workers bound by an employment contract contributed to a health plan, a pension scheme and the general occupational hazard system, and the periodic allowances programme had been introduced to incentivize old-age saving among lower-income groups.

58. **Ms. Londoño Soto** (Colombia) said that persons whose earnings were insufficient to enable them to contribute to the social security system received a health-care subsidy. That ensured that the medical needs of persons who were not bound by an employment contract would be met in the event of a workplace accident. In addition to the social security system, there was also a system of mandatory motor vehicle accident insurance.

59. **Mr. De Schutter** said that he wished to know what measures had been taken to protect children involved in illegal mining, as they were not covered under the National Strategy for the Prevention and Eradication of the Worst Forms of Child Labour (2008-2015). He wondered whether the National Strategy was likely to be renewed or replaced, perhaps following an evaluation of the kind recommended by the Committee on the Rights of the Child in its concluding observations on the combined fourth and fifth periodic reports of Colombia (CRC/C/COL/CO.4-5, para. 60). In the context of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, he wondered to what extent demobilized children were able to benefit from reintegration programmes. An update was needed on the steps taken to implement the recommendation of the Committee on the Rights of the Child that all Afro-Colombian and indigenous children should be registered immediately after birth and that cost-free registration should be facilitated for those who had not been registered at birth (CRC/C/COL/CO.4-5, para. 58).

60. Further information on violence against women would be instructive. In particular, it would be helpful to know what could be done to strengthen the existing framework for protecting women from violence and why, despite the enactment of a number of relevant laws in recent years, violence against women remained prevalent and perpetrators continued to go unpunished.

61. The Committee welcomed the peace agreement, which represented an important contribution to the realization of the rights set forth in article 11 of the Covenant. In that connection, he wondered how a balance would be struck between the commitment made in the peace agreement to support campesino farming, on the one hand, and the provisions of the Zidres Act that seemed to promote the sale of land to private investors, on the other, especially as the implementation of legislation on land zoning was reportedly ineffective. In addition, it was unclear whether the Victims and Land Restitution Act of 2011 and Constitutional Court judgment No. T-679 of November 2015 had been implemented in full and, if they had not, what obstacles had been encountered in the process. With regard to the specific provisions of the peace agreement that concerned land restitution, it would be helpful if the delegation could explain how the Central Register of Victims and the central register of abandoned property were connected and how the decision to combine the two registers would enable the beneficiaries of restitution to rebuild their lives.

62. He wished to know whether the Government planned to strengthen the National Food Security and Nutrition Policy, in particular with a view to preventing obesity and discouraging the consumption of highly processed foods, and whether it would take a rights-based approach informed by the Committee's general comment No. 12 on the right to adequate food. In addition, he wondered whether, following the example of Mexico, it might introduce higher taxes on soda drinks and snacks. He asked what measures would be taken to implement the specific provisions of the peace agreement that concerned the adoption of a strategy for the progressive realization of the right to food.

63. Lastly, he wished to know what measures had been taken to support diverse, agroecological farming systems; what efforts were being made to protect the population, in particular indigenous peoples, Afro-Colombians and campesino farmers, from the effects of climate change; what was being done to improve access to safe drinking water and basic sanitation; and whether the Government gave high priority to the realization of the right to water.

The meeting rose at 6 p.m.

**Economic and Social Council**

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Committee on Economic, Social and Cultural Rights
Sixty-second session**Summary record of the 53rd meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 20 September 2017, at 10 a.m.

Chair: Ms. Bras Gomes

Contents

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Sixth periodic report of Colombia (continued)

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The meeting was called to order at 10.10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Sixth periodic report of Colombia (continued) (E/C.12/COL/6; E/C.12/COL/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Colombia took places at the Committee table.*

2. **Mr. De Schutter** (Country Task Force), noting the State party's generally good record on access to health care, said that he would like to know what the Government was doing to remedy the disparities that existed between the poorest and the best-off quintiles of the population in the use of preventive care and between rural and urban areas in the quality of health services and technologies available. Given the poor ratio of health professionals, particularly doctors, to population, and the extremely low figures for some areas, he also wished to hear what was being done to improve that situation.

3. **Ms. Gaviria** (Colombia), replying to questions raised by Committee members at the previous meeting, said that the Government had made great efforts to reduce the incidence of child labour, bringing it down from 9.1 per cent in 2015 to 7.8 per cent in 2016. Through a tripartite commission set up to address the subject, it was working with representatives of employers' organizations and trade unions to develop a national policy aimed at eradicating the problem. The Ministry of Labour had national and territorial mechanisms for identifying and recording cases. In the mining sector, programmes had been developed in cooperation with international organizations and civil society bodies to address the problem in the relevant parts of the country, with projects to raise awareness of children's rights among parents and school staff. Over 4,000 families and 12,000 children had benefited from such training.

4. **Mr. Dimaté Cárdenas** (Colombia) said that the Government was promoting social investment to reduce child labour, notably through projects to prevent illegal mining. Between 2010 and 2016, that work had led to the closure of over 6,000 illegal mines, the arrest of around 11,000 persons and the confiscation or destruction of more than 2,000 machines.

5. **Ms. Romero Cristancho** (Colombia) said that, under national legislation, children and adolescents who had been demobilized from armed groups in the country were regarded as victims and, in line with the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, benefited from the "Differential Life Path" programme described in the Government's replies to the list of issues (E/C.12/COL/Q/6/Add.1). The policy adopted in 2010 on preventing the use of children or adolescents by illegal armed groups was being revised in the light of current conditions.

6. **Ms. Londoño Soto** (Colombia) said that the Government's policy for combating violence against women addressed the problems faced by women in situations of conflict but also in other circumstances.

7. **Ms. Romero Cristancho** (Colombia) said that the National Policy on Gender Equality was intended to ensure that women were able to live their lives free of violence. The related road map was implemented through coordinated action by the government entities responsible for health, justice and the rights of victims; action could be initiated by any of the institutions involved and tailored to local needs. Sexual violence was subject to harsher penalties when it was committed in the context of armed conflict. Acid attacks were now defined as a separate offence in legislation. In 2008, more than 2,100 persons had been charged with offences related to sexual violence; the figure had risen to over 3,000 in 2017. In that period, more than 18,000 convictions had been handed down. A 24-hour helpline for victims of all types of violence had helped over 220,000 women in 2017; educational and information materials had been distributed and symbolic reparations had been obtained for female victims of sexual violence.

8. **Ms. Barrera Mariño** (Colombia) said that microcredit and other programmes had been set up to help rural women improve their lives and livelihoods and those of their families. Women represented 40 per cent of the beneficiaries of land restitutions; gender mainstreaming was also an important part of projects and training for both rural women and civil servants throughout the country.

9. **Mr. Moreno Gutiérrez** (Colombia) said that, in respect of civil registration, government efforts over more than a decade had focused on encouraging the registration of vulnerable groups, including the Afro-Colombian, indigenous, rural and displaced communities. The positive results could be seen from a survey conducted in 2013-2014, which showed that 96 per cent of displaced children were now registered.

10. **Ms. Bolívar Vargas** (Colombia) said that, as the health service covered around 90 per cent of the population, the Ministry of Health would be working with the National Civil Registry Office to encourage registration.

11. **Ms. Barrera Mariño** (Colombia) said that the peace agreement included a specific section on the need for compatibility between the national policies on small-scale farming and on large-scale agro-industrial production. The approach adopted should promote both types of agriculture in all parts of the country, including the priority regions identified in the agreement, through the extension of improved practices, better marketing and an emphasis on sustainability. While the Government recognized that both levels of production were important to the country, it sought to ensure that large-scale production was not given higher priority.

12. **Ms. Londoño Soto** (Colombia) said that, having experienced floods caused by climate-related phenomena in 2010 and 2011, Colombia was well aware of its vulnerability to the effects of climate change and was fully committed to cooperating with the international community in addressing that challenge. It aimed to reduce its greenhouse gas emissions by 20 per cent by 2030 and had 23 regional climate change management plans that were being implemented in the country. Water was a particular issue; the institute responsible for water resources carried out regular surveys that made it possible to predict some risks and assist in the relevant planning at the national and local levels. An expert from Colombia was a member of the Global High-level Panel on Water and Peace, which was developing recommendations on smart water management to prevent water from becoming a source of conflict. In the Caribbean region, where 80 per cent of the population lived, only one fifth of the water came from the local area.

13. **Ms. Barrera Mariño** (Colombia) said that, pursuant to the Victims and Land Restitution Act of 2011, a land register had been set up to address land restitution and a commission had been established to examine the problem of abandoned land. Land rights had been restored to many vulnerable communities, such as indigenous, Palenquero and Raizal groups. Of the over 100,000 applications submitted by campesinos, over 60 per cent had been granted, 40 per cent of those through court rulings, and 7,000 families had benefited. The Act also provided for improved public services and socioeconomic conditions for the populations concerned. Restitution on ethnic grounds had given rise to 287 applications, 28 per cent from Afro-Colombian communities and 22 per cent from indigenous peoples; six judgments had benefited 3,000 persons, with 140,000 hectares of land returned as of August 2017. The provisions of the peace agreement encouraged the rapid processing of applications for land restitution, with a commensurate budget allocated to the courts, and judges had been given increased powers in adopting related decisions. Two registers had been set up, one to identify abandoned land for restitution and the other to identify persons in need of land.

14. **Ms. Bolívar Vargas** (Colombia) said that, faced with the dual problem of child malnutrition and obesity, Colombia had a dual strategy, which included components to address the needs of indigenous groups and the rural population. The Food Security Network programme currently covered half the country's territorial departments, focusing particularly on areas with indigenous populations. International cooperation with the United Nations Children's Fund had led to the introduction of a comprehensive approach to the care of patients with malnutrition and national guidelines on nutrition for children under the age of 5, as well as human resource capacity development. Early detection was facilitated

by the epidemiological monitoring system implemented by the National Health Institute. The positive impact of those efforts was already reflected in reduced levels of malnutrition-related child mortality and morbidity in the Department of La Guajira. A strategy had also been introduced to combat child obesity, with a 10-year plan to promote breastfeeding and projects to reduce the consumption of salt and trans and saturated fats. The proposal to introduce a tax on sugary drinks had not been adopted by Congress, but the Government intended to continue its efforts in that direction.

15. **Ms. Londoño Soto** (Colombia) said that carbon tax rates were tied to the amount of carbon dioxide emitted by each type of fuel. The tax was projected to raise approximately US\$ 230 million annually to fund the promotion of renewable sources of energy.

16. **Mr. Botero Hernández** (Colombia) said that *22* mechanisms introduced as part of the sectoral action plan to mitigate the effects of greenhouse gases were intended to maximize the rational use of resources, reduce production costs and improve air quality. Continued efforts were being made to identify new non-conventional sources of energy and to implement international energy efficiency standards in the industrial sector. Incentives were being offered to the private sector, including a more stable taxation structure, to encourage investment in new energy sources.

17. **Mr. Salazar Cuñilar** (Colombia) said that the income generated by the carbon tax would be used to fund environmental sustainability and sustainable rural development in areas that had been affected by the armed conflict. In particular, the money would be used to protect ecosystems and address environmental issues such as coastal erosion.

18. **Mr. Sadi** said that while the State party's climate change policies were laudable, he would be grateful for more specific information on programmes for moving towards solar and wind energy and for combating deforestation. He wished to learn whether the Government had any programmes to combat the use of insecticides and pesticides. More detailed information on prison conditions in the State party would be welcome.

19. **Mr. Windfuhr** (Country Task Force) said that he would appreciate the delegation's comments on how the Government intended to address the low rates of unionization and collective bargaining agreements, particularly in the private sector. It would be useful to receive more information on the precarious working conditions found in rural areas. He would also be interested to learn how the State proposed to protect civilian workers who were employed to clear coca crops and how workplace safety legislation applied to people working in the informal sector.

20. In the area of health care, it was unclear why the *tutela* procedure for protecting rights was used so frequently. He would appreciate the delegation's response to reports that privatization schemes had deprived poor people in rural areas of access to hospitals and medicines. Additional details on the comprehensive environmental health policy for 2017-2027, including how it would be implemented in the mining sector, would be welcome.

21. **The Chair** said that she would appreciate an overview and a brief analysis of the impact of the programmes in place to improve the social protection floor.

22. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that he wished to know how the State party guaranteed that minimum wage legislation was applied without direct or indirect discrimination against ethnic minorities, indigenous people or lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, in line with paragraphs 31 and 33 of the Committee's general comment No. 23 on the right to just and favourable conditions of work. In connection with the entrepreneurship strategy and rural employment programmes, he would welcome information on the outcome of the plans to establish partnerships between family allowance funds and other public or private parties for the operation of the programmes.

23. **Ms. Londoño Soto** (Colombia) said that her country's energy sector relied predominantly on hydroelectric power. While Colombia received a large amount of sunshine, the humid conditions in much of the country hindered the efficient use of solar energy. The authorities were striving to meet international standards on the use of insecticides as part of their preparations for Colombia to become a full member of the Organization for Economic Cooperation and Development. The Ministry of Agriculture and

Rural Development and the Colombian Coffee Growers Federation provided ongoing training on the rational use of pesticides.

24. **Mr. Mariano Gaitáñez** (Colombia), referring to the question on prison conditions in Colombia, said that the Government was working to reduce overcrowding in the penitentiary system by limiting the use of pretrial detention. New legislation to that effect was already showing results, with the percentage of the prison population being held in pretrial detention falling from 37 per cent in 2015 to 30 per cent in 2017.

25. **Ms. Leticia Soto** (Colombia) said that the reduction of a significant number of prison sentences handed down for offences committed before 16 March 2017 would also help to reduce overcrowding and would improve access to health care in the prison system.

26. **Ms. Cecilia** (Colombia) said that the Ministry of Labour and the Ministry of Justice and Law were involved in a joint initiative to train prisoners in teleworking. The Ministry of Labour had developed programmes to help victims of the armed conflict return to the workforce. One such programme had provided training and job search support to 1,000 people, indirectly benefiting 24,000 victims in 11 municipalities. The Government had identified 170 municipalities as priorities for post-conflict support and had conducted training and outreach programmes for 1,400 people in 32 municipalities.

27. Progress had been made on collective bargaining agreements in both the public and the private sector. In 2014, only 382 such agreements had been recorded by the authorities; by 2016 that number had risen to 430. A special independent commission was in place to deal with workplace grievances and trade union issues. Between 2013 and 2017, more than 80 cases had been settled internally. A regional workshop had been held in Bogotá to share experiences and good practices with other countries.

28. While the Government was running a national campaign to promote unionization, collective bargaining processes were hindered by the sheer number of unions and the fact that the Constitutional Court had ruled that all unions had the right to negotiate with employers. The issue was currently being examined by the Standing Committee on the Coordination of Wages and Employment Policy.

29. Legislation was in place to protect workers from occupational hazards. People working in the informal sector and independent workers, such as taxi drivers, had access to any health-care services they might require as a result of accidents or injuries at work. Colombia had ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

30. **Ms. Esther Vargas** (Colombia) said that the Government was working to reduce economic barriers to access to health care. Vulnerable people received free health care, and Colombians had the lowest out-of-pocket health-care expenses in Latin America. Efforts were being made to bring services closer to people living in rural areas, who made up 25 per cent of the population. The aim of the Government's comprehensive health-care policy was to achieve the best possible health conditions for the population in terms of both health insurance coverage and the quality of the services available. Scholarships were awarded to fund training in areas where there was a shortage of qualified personnel, such as paediatrics. A pilot programme in the Department of Cauca, where 85 per cent of the inhabitants were indigenous, had increased access to health care from 20 per cent to 60 per cent of the population in only one year. The peace agreement provided for the creation of the National Rural Health Plan, whose three main objectives were to expand the availability of health care in rural areas, strengthen infrastructure and improve service delivery. A preliminary inventory of existing facilities was under way, and plans were being developed to build new facilities and establish telemedicine services.

31. The Government produced an annual monitoring report on the use of the *tutela* procedure. The procedure was a means of protecting fundamental rights and constituted an important tool in facilitating access to health care that was not covered by health insurance.

32. **Ms. Leticia Soto** (Colombia) said that after the suspension of the use of glyphosate for the eradication of illegal crops, the National Police had hired 160 civilian workers to perform the task manually; it planned to recruit a further 600 workers in October 2017. All personnel would receive training, health insurance and occupational accident

insurance, which would be a clear improvement on the situation in the previous reporting period. Moreover, areas deemed to present a risk of anti-personnel mines had been mapped in detail as part of the effort, supported by the international community, to clear mines from a swathe of Colombian territory. As a result of those measures, the number of accidents involving civilian workers had fallen significantly and the most serious reported incident had been a confrontation rather than a mine detonation.

33. **Ms. Crăciunean-Tatu** (Country Task Force), noting that the education budget had recently overtaken the defence and police budget, said that Colombia had made good progress in terms of respect for the right to education. Nevertheless, she was concerned about gaps in access and quality, which varied significantly between regions and social classes, while school infrastructure deficiencies persisted as a result of damage or destruction during the conflict. Other worrisome issues included the prevalence of child workers and risks to children's safety, considering that anti-personnel mines had been laid in most parts of the country, often near schools. Furthermore, the Special Rapporteur on the right to education had drawn attention to the indirect costs of education, which sometimes meant that families had to choose between eating and sending their children to school. She therefore wished to know what measures the Government had taken to deal with those concerns and to progressively achieve free education at all levels.

34. In the light of official statistics which suggested that in 2017 Colombia had 7.3 million internally displaced persons, of whom 40 per cent were children and young people under the age of 23, it seemed likely that the conflict had negatively affected children's ability to attend and remain in school. She therefore wondered whether the Government had identified the education of internally displaced persons as a priority and had adopted a plan of action and a budget to meet the educational needs of that group. If such a plan existed, what levels of education did it target, and how did it address the needs of different ethnic groups?

35. On the question of children with disabilities, the National Department of Statistics had reported that in 2012, a large proportion of children and adolescents with disabilities were not enrolled in any form of education. Non-governmental organizations had informed the Committee that in some cases, persons with disabilities had filed *tutela* petitions requesting the courts to protect their right to education. Furthermore, the Committee on the Rights of Persons with Disabilities had expressed concern about the low enrolment of persons with disabilities at all levels of education, the lack of adapted classrooms within mainstream schools and the lack of teaching and reading materials in accessible formats and modes of communication. What steps would the Government take to ensure the right to inclusive education for children with disabilities, in accordance with the Covenant and the Convention on the Rights of Persons with Disabilities?

36. Given the lack of culturally appropriate education for indigenous and Afro-Colombian students and the high dropout rate among such students, she asked how the Government might improve access to culturally appropriate education and reduce dropout rates. She would also like to know whether the Government planned to rethink its ethno-education policy so as to ensure that State education promoted interaction and understanding among different ethnic groups. The Committee would also be grateful for more information on how the Government addressed the cultural diversity of Colombia in the school curriculum, particularly in history classes.

37. Concerning the right to take part in cultural life, she considered that the "do no harm" approach adopted by the State party was an important principle that took sensitivities and sources of tension between groups into account. However, given that land was used and valued differently by members of indigenous and Afro-Colombian communities, she wished to learn how the State party balanced different conceptions of land and ensured that the free, prior and informed consent of indigenous communities was obtained when deciding whether to permit mining and other activities. Information might also be provided on whether human rights impact assessments and other measures were carried out so that development programmes could be reconciled with access to ancestral lands and traditional ways of living.

38. **Mr. Mancisidor de la Fuente** said that in the light of improvements in access to primary and secondary education, he wished to know what policy the Government had adopted, and what outcomes had been achieved, in terms of access to and the quality of preschool education. While it had been acknowledged that the training of teachers was crucial for quality, he felt that teachers' salaries and the respect that they were accorded in society were also important factors. He therefore asked what policies were being implemented to improve the situation of teachers.

39. Considering that the latest version of the *Atlas of the World's Languages in Danger* of the United Nations Educational, Scientific and Cultural Organization indicated that 4 out of the 68 indigenous languages listed in the previous edition had become extinct, with a further dozen at risk of extinction, he asked how minority languages were recognized in education, both as a subject of study and as a language of instruction. Moreover, given that the Constitutional Court decisions of 2009, 2010 and 2013 recognized that 36 indigenous peoples, representing 1.4 million people, were at risk of physical and cultural extinction, and recommended the implementation of plans for the protection of those communities, he asked how many indigenous peoples enjoyed protection under those plans and whether the State party had the political will to uphold the plans as a State policy, regardless of changes in the political cycle and in the administration of justice.

40. Considering that the Constitutional Court had identified situations of discrimination affecting persons of African descent, he asked what regulations and policies were being implemented to guarantee the principle of non-discrimination for Afro-Colombians. Lastly, he asked why the percentage of women entering scientific professions was lower than in other Latin American countries and what policies were being implemented to encourage women to embark on scientific careers.

41. **Ms. Niño Fierro** (Colombia) said that 20 per cent of the persons registered in the Government's integrated enrolment system were recognized as forcibly displaced persons. The Government had implemented several initiatives to meet education needs in remote and rural areas, including a boarding schools programme, support and training for teachers and infrastructure improvements. The Ministry of Education had designed flexible education models for classes containing children of different ages and academic levels. The implementation of free education had helped improve coverage levels in recent years, although school abandonment had diminished only slightly and continued to pose a challenge. Measures put in place to encourage students to attend and remain in school included the provision of transport, a school feeding programme and door-to-door enquiries that actively sought out children who were not in school.

42. Three per cent of the persons registered in the integrated enrolment system were classified as belonging to indigenous communities. Different approaches had been adopted to provide education services to that population, including the direct recruitment of indigenous teachers and the contracting of various education services to authorized indigenous organizations. The Ministry of Education had engaged for three years with the National Council for Consultation with Indigenous Peoples, resulting in the recent agreement to create an indigenous education system.

43. The implementation of free education had resulted in the elimination of school fees and supplementary charges, while resources had been channelled to schools so that they could purchase furniture and materials, provide transport and issue certificates, thus reducing indirect costs for students and their families. The Ministry of Education financed the tests taken at the third, sixth and ninth grades, leaving only the eleventh-grade State tests that were financed by families.

44. The Government recognized the need to address the infrastructure deficit in the school system and aimed to significantly reduce the shortfall in the number of classrooms through an accelerated construction programme. It was hoped that infrastructure work would be completed in almost 1,500 schools by end of the current legislative session. The Government also planned to issue a call for proposals for infrastructure improvements in the municipalities identified as having priority in post-conflict development.

45. Efforts to improve the quality of education were beginning to bear fruit, although a gap between urban and rural schools remained. The score obtained by Colombian students

in the Programme for International Student Assessment had increased by five points, with improvements in mathematics, reading and science. The Ministry of Education had developed an index for the measurement of quality, which included factors such as the school environment and State test results. Underperforming schools, most of which were located in rural areas, were identified and supported through the "Learning for All" programme. Schools also set their own targets and measured progress internally.

46. Although educational institutions were independent and there was no single national curriculum, the Ministry of Education had worked to strengthen the curriculum by developing and promoting Basic Rights of Education, which applied to key areas of study such as mathematics and English. The Ministry had distributed new textbooks to all parts of the country.

47. The education level of teachers had gradually improved; in 2017, 40 per cent of teachers had a postgraduate qualification. Other improvements related to the functioning of selection processes and the implementation of classroom-based assessments of teachers, through which teachers could move up the salary scale. The Government was fulfilling its commitment to the teacher's union to progressively raise wages.

48. The Ministry had implemented different strategies to promote access to higher education for students from low-income backgrounds. Since 2015, it had implemented the "Ser Pilo Paga" programme, which had led to a significant increase in the enrolment of low-income students in accredited higher education institutions. Beneficiaries of the programme came from municipalities throughout Colombia and were much more likely to complete their studies. More than 45 sources of funding were available to students wishing to enrol in tertiary education; many of them were designed for students from certain population groups or with particular academic specializations. The Government also aimed to ensure access to education for displaced and vulnerable persons through its National Literacy Programme, which would benefit 220,000 young people and adults by the end of the legislative session.

49. The Government recognized the difficulties it faced in delivering education services for persons with disabilities, principally the lack of reliable statistics and the need to develop a regulatory framework. In that context, the Ministry of Education had held consultations with the National Institute of the Deaf and the National Institute for the Blind, leading to the recent entry into force of a decree setting forth a framework for assisting persons with disabilities. Implementation of that decree was under way and work was being carried out with local education authorities to determine the demand for services.

50. **Ms. Crăciunean-Tatu** said that, although the level of enrolment of internally displaced children in primary schools was only slightly lower than the national average, she remained concerned that the difference was much greater at the preschool level and in secondary and higher education. Were any specific measures envisaged to tackle that issue? She asked the delegation whether there was an official explanation for the high dropout rates among indigenous children between the ages of 12 and 17.

51. **Mr. Abdel-Moneim** said that he would be interested to hear more about the costs of education. It was important to remember that, in line with the letter and the spirit of article 13 of the Covenant, secondary and higher education, as well as primary education, should be made accessible free of charge.

52. **Mr. Zerbini Ribeiro Leão** said that he wished to know if there were any policies in place to combat discrimination against LGBTI persons or persons of African descent.

53. **Ms. Niño Fierro** (Colombia) said that primary and secondary education were provided free of charge. The State recognized that vulnerable groups such as internally displaced persons were more likely to drop out of school, and it had taken steps to support them. Under the "More Families in Action" programme, for example, adults who were illiterate or had failed to complete their schooling received economic incentives to enter educational programmes. Incentives were also available to families that kept their children in school. The Ministry of Education was committed to combating discrimination against LGBTI persons. The matter had been addressed in local-level school socialization committees and, despite strong opposition from conservative elements in the country, the

Government had drafted a document containing anti-discrimination guidelines and designed a programme to help young people develop the relevant citizenship skills.

54. **Ms. Londoño Soto** (Colombia) said that the participation of women in fields such as engineering, science and technology remained low, but State-run universities and other institutes of higher education were seeking to address the issue.

55. **Ms. Alfaro Castillo** (Colombia) said that Colombia did not have a single cultural identity. There were 120 indigenous communities, a large population of persons of African descent and deep traditional divides between rural and urban society. Only recently had the country begun to consider its cultural and ethnic diversity as one of its greatest resources.

56. The Government was actively seeking to protect the linguistic and cultural heritage of indigenous peoples, to encourage their participation in the national cultural system and to revitalize and preserve their historical memory. Black, Afro-Colombian, Raizal and Palenquero communities had also sought recognition of their specific heritage, and the Government was supporting the International Decade for People of African Descent as a way to protect their cultural identity as expressed in their own cultural and artistic activities. Thanks to an inclusive policy that recognized the educational systems of ethnic minorities themselves, the quality of education in those communities' educational establishments had improved.

57. A network of public libraries covered even the most deprived areas of the country, while mobile libraries visited many of the areas affected by the armed conflict. The authorities sought to use culture as a way to repair a social fabric that had been destroyed by years of violence and displacement. One emblematic example was the building of a community centre and a commemorative monument at the site of an infamous massacre in the town of María La Baja. On a different front, efforts were being made to promote the manufacture of traditional indigenous cultural products and insert them into the national economy. Important national documents, such as the peace agreement and court judgments restoring territorial rights, were being made available in all the country's many national languages.

58. **Ms. Londoño Soto** (Colombia) said that Colombia had launched a programme to protect biodiversity in the context of sustainable development. The programme made provision for expeditions to catalogue animal and plant species in some of the more remote areas of the country about which little was known, in part because they had been affected by the armed conflict. One such expedition, which had taken place in 2016 in the Department of Caquetá, had involved the participation of local indigenous and rural populations.

59. Regrettably, a total of 178,600 hectares of territory had been deforested in Colombia in the course of 2016, a considerable increase with respect to 2015. Nonetheless, the Government had drafted a plan to minimize further deforestation and to encourage reforestation with both native and non-native species. In line with the Sustainable Development Goals, the National Development Plan 2014-2018 made provision for the increased use of renewable energy sources, particularly in areas with large concentrations of indigenous people and persons of African descent. The authorities had recently issued new regulations aimed at encouraging energy efficiency, especially among more disadvantaged groups. The efforts Colombia was making in that regard had been recognized by the International Monetary Fund (IMF).

60. **Ms. Romero Cristancho** (Colombia) said that important progress had been made in protecting the rights of LGBTI persons in Colombia. Same-sex marriage had been legalized and same-sex couples had the same adoption and inheritance rights as the general population. Action had been taken towards recognizing transgender identity, and citizens could change their identity documents to reflect their chosen gender. Anti-discrimination legislation had been passed and sexual reassignment surgery was available in the country's medical institutions. Moreover, the authorities had embraced a policy of inclusive education that promoted respect for LGBTI persons.

61. Nonetheless, challenges persisted. Underlying cultural attitudes could lead to discrimination and violence against the LGBTI community, and the authorities had

launched a number of initiatives to combat that phenomenon. Law enforcement officials received specialized training in how to investigate and prosecute offences committed against LGBTI persons. The Ministry of the Interior was currently gathering data concerning the human rights situation of LGBTI persons in the country, for use in guiding public policy and government action in 2018 and 2019. At the same time, the Presidential Advisory Office for Human Rights was seeking to facilitate access to justice for LGBTI persons who were victims of the armed conflict. Its efforts were directed not just to seeking reparations but also to highlighting the particular impact the armed conflict had had on LGBTI persons as a category.

62. **Ms. Gaviria** (Colombia) said that the Ministry of Labour had developed a training strategy to make persons of African descent in Colombia better aware of their rights and to help them to find employment. A programme specifically directed at Afro-Colombian victims of the armed conflict in the Pacific region had helped more than 3,000 people. The Ministry had also held consultations with a representative group of persons of African descent in order to understand their needs, make them aware of the instructional support mechanisms available and work together to develop concrete plans.

63. **Ms. Romero Cristancho** (Colombia) said that the Ministry of the Interior had set up the Observatory on Discrimination and Racism with a view to formulating more focused policies in that area. The Observatory provided advice and support to victims of discrimination and racism, and forwarded their complaints to the competent authorities. Public campaigns and online courses had been organized to call on citizens to reject racism and to recognize and embrace Afro-Colombian culture.

64. **Mr. Zerbini Ribeiro Leão** said that the Committee appreciated the open and frank dialogue with the Colombian delegation, which had provided very pertinent replies to the Committee's questions.

65. **Ms. Londoño Soto** (Colombia) said that the questions raised by the Committee had revealed the members' profound knowledge of the situation in Colombia, both nationally and at the local level. The outcome of the dialogue would help the authorities to examine their own actions in a more critical light, to appreciate what had been achieved and to see how much remained to be done. More efforts were needed, for example, to bring national development into line with the 2030 Agenda for Sustainable Development. If required, the Government was ready to report back periodically on the progress it had made and the obstacles it faced in the areas of particular concern to the Committee. She also wished to acknowledge the efforts made by civil society organizations and their role in spurring the Government to action.

66. The peace agreement must be converted into reality for all Colombians, especially the poorest and most vulnerable. The dialogue with the Committee had highlighted the fact that the hoped-for transformation could not be achieved without a rights-based approach involving the participation of all communities in Colombia.

The meeting rose at 1 p.m.



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Summary record of the 54th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 20 September 2017, at 3 p.m.

Chair: Ms. Bras Gomes

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Fourth periodic report of the Republic of Korea

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fourth periodic report of the Republic of Korea (E/C.12/KOR/4; E/C.12/KOR/Q/4 and Add.1)

At the invitation of the Chair, the delegation of the Republic of Korea took places at the Committee table.

1. **Mr. Chang In-Jong** (Republic of Korea) said that the new Administration that had taken office in May 2017 gave human rights high priority. His Government had made efforts to carry out the recommendations made by the Committee following its review in 2009, including granting the National Human Rights Commission of Korea greater independence, protecting non-regular workers, ensuring that the minimum wage was enforced and increasing the number of labour inspectors.
2. The third National Action Plan for the Protection and Promotion of Human Rights currently being prepared took into account the changes brought about in Korean society by low fertility and population ageing and emphasized the right to health and a safe, clean environment and the protection of the most vulnerable segments of the population. The Government was also seeking ways to encourage businesses to engage in human rights-friendly activities.
3. The National Human Rights Commission of Korea Act, as amended in February 2016, stipulated qualification criteria for commissioners and ensured that persons from different social sectors were part of the nomination and selection process. While the Commission had been downsized in 2009, the staff was currently being restored to the previous level with a view to ensuring that it could carry out its functions effectively.
4. Turning to the issue of corruption, he pointed out that, under the Improper Solicitation and Graft Act of 2016, improper solicitations to public officials were subject to punishment, and public officials were prohibited from receiving money and goods from others. His Government expected that the Act would significantly reduce corruption among public officials.
5. Pursuant to the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea, the Government drafted a plan on immigration policies every five years, in response to the growing number of foreigners residing in the country, which sought to ensure that foreign nationals were afforded full protection of human rights. Furthermore, the grounds on which foreign workers were entitled to change employers had been expanded, and provision had been made for exceptions to the limit on the number of changes in employment that were allowed. In 2015, the Government had recognized a migrant workers trade union. The Republic of Korea had enacted a refugee law in 2013, the first Asian country to do so, with a view to ensuring that refugee status determination procedures were fair and effective and the rights of refugees were protected, in accordance with the Convention relating to the Status of Refugees.
6. Despite difficult economic conditions, the Republic of Korea had joined the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee in 2009 and had been fulfilling its official development assistance commitments. Such assistance had steadily increased, from \$810 million in 2009 to \$1.96 billion, or 0.14 per cent of gross national income, in 2016.
7. Regarding gender equality, the Government had enacted the Gender Impact Analysis and Assessment Act in 2011, which had helped in developing and implementing policies from a gender perspective and drawing up gender-sensitive budgets. Given that the gender wage gap largely stemmed from interruptions in women's careers, because they shouldered most childbearing and child-rearing duties, the Government had reinforced policies to foster a work-family balance, had steadily increased the number of women's employment centres and had expanded advanced professional training programmes nationwide. In

September 2017, the new Administration had increased the amount of monthly benefits for the first three months of parental leave, and the fathers' childcare leave bonus scheme would be strengthened starting in 2018.

8. In January 2017, only 2 of the 22 Cabinet members had been women, accounting for a meagre 9.1 per cent of the Cabinet. However, under the new Administration, the number of female members of the Cabinet had increased as of September 2017 to 6 out of 19, or 31.6 per cent. The Government would make continuous efforts to increase women's representation in high-level public positions.

9. The Government had amended legislation on fixed-term, part-time and temporary workers in 2013 to redress undue discriminatory practices against non-regular workers. The amendment clarified prohibited areas of discrimination and ensured that punitive damages could be imposed for flagrant or repeated discrimination. The Government had also recruited 45 new labour inspectors in 2016 and 204 in 2017, and their number was expected to continue to increase.

10. In 2017, the Government had issued guidelines on according regular employment status to non-regular workers in the public sector, in an effort to prevent the excessive use of irregular employment for cost-cutting purposes. Moreover, plans to prevent fatal industrial accidents had been announced in August 2017, with a key focus on preventing the so-called outsourcing of risks and on increasing contractors' responsibility for maintaining a safe working environment. In August 2017, the Government had also set a new minimum wage for 2018, which would be increased by 16.4 per cent, compared with an average annual increase of 7 to 8 per cent for the previous four years.

11. The Government had been working to strengthen the social security system by providing stable incomes for vulnerable groups. Under the new pension scheme that had been introduced following enactment of the Basic Pension Act in May 2014, persons aged 65 years or older with incomes in the bottom 70 per cent were entitled to basic pension benefits. The monthly pension would rise, to 250,000 won (₩) in 2018 and ₩300,000 by 2021. The first comprehensive plan for basic livelihood security had been developed in August 2017.

12. The new Administration was making efforts to ensure the steady supply of public rental housing and aimed to increase the stock of long-term public rental housing from 6.3 per cent in 2016 to above the OECD average of 9 per cent by 2022. It also planned to expand housing assistance to young people.

13. Regarding the right to health, the Government was pursuing policies to reduce co-payments for certain medical services and to place a cap on such costs based on the recipient's income level. It was also taking steps to expand the coverage of the national health insurance scheme and reduce the burden of medical expenditures.

14. Turning to the right to education, he said that compulsory free education was provided at the primary and middle school level. The Government was promoting institutional reform that would gradually expand free education to the high school level. In 2011, the Government had amended the Higher Education Act, which had placed a ceiling on tuition fee increases.

15. Since 2012, the Government had been implementing the Rainbow Bridge Project to provide cultural minority groups such as immigrants with an opportunity to express their cultural identity. Under the Protection and Promotion of the Diversity of Cultural Expressions Act, adopted in 2014, the Government provided assistance for artistic activities and created opportunities for minority groups to express their cultural identity while encouraging social integration.

16. **Mr. Kedzia** (Country Rapporteur) said that he wished to congratulate the State party on its systematic approach to the protection of human rights based on periodic national human rights action plans. In that connection, he asked whether a comprehensive assessment of the second National Action Plan had been completed; if so, the Committee would be grateful to learn about its main findings. It would be useful to know whether civil society had been involved in the assessment and the extent to which it had participated in developing the third Plan. Further details of the strategies that had been devised and

resources allocated for the implementation of the Plan, and of the interaction between the National Human Rights Policy Council and civil society, would also be appreciated.

17. According to an OECD report on the ratio of social welfare spending to gross domestic product (GDP), the Republic of Korea ranked thirty-fourth out of 35 member countries, spending 10.4 per cent of its GDP on social welfare compared to the OECD average of 21 per cent. He therefore wished to know whether the State party was planning any measures that would significantly accelerate the growth of social spending. The following factors should be mentioned in that context: first, the tax burden in the country was relatively low; and secondly, responsibility for the care of family members, including children, older persons and persons with disabilities, traditionally fell to female members of families. Moreover, the Government seemed to be shifting responsibility for providing public services to the private sector. Further information on plans to reform the tax system, the instruments in place to control the delivery of public services and the role of public institutions in the delivery of such services would thus be welcome.

18. He asked whether the Government envisaged specific steps to address the high levels of poverty among older persons and the very low birth rate in the Republic of Korea, and what accounted for the persistent high rate of suicide since 2003, especially in rural areas.

19. Turning to the impact of the Covenant on the national legal framework, he asked what measures the State party was taking to raise awareness about the Covenant rights among judges, lawyers and law enforcement officials.

20. Commending the strong commitment by the National Human Rights Commission of Korea to the protection of human rights, he found it regrettable, however, that the Commission's mandate to consider complaints extended only to articles 10 to 22 of the Constitution, which covered civil and political rights. Was the State party considering any amendments of the relevant legislation with a view to empowering the Commission to provide for the full protection of economic, social and cultural rights?

21. He would be grateful if the delegation could inform the Committee whether any legislative or other measures had been taken to prevent and mitigate the adverse effects of business activities on human rights, both at home and abroad. It would be interesting to know whether the State party envisaged adopting a national plan of action on business and human rights. If so, it would be helpful to hear about its main features. He also asked whether any human rights impact assessments of business projects had been carried out, and what institutional solutions were in place to monitor compliance with the principle of human rights due diligence by business. It was unclear what steps had been taken to ensure that victims of economic, social and cultural rights violations by domestic businesses or overseas businesses under the jurisdiction of the Republic of Korea had access to remedies. Further information on the corporate responsibility of chaebols (large family-owned business conglomerates) and their impact on human rights would be useful.

22. It would be interesting to learn more about the continued social controversies over prohibited grounds of discrimination that were referred to in paragraph 14 of the periodic report. Aside from the issue of sexual orientation, referred to in paragraph 18 of the replies to the list of issues, did those controversies entail grounds such as nationality or ethnic origin? He would be grateful if the delegation could comment on the prospects for adopting comprehensive anti-discrimination legislation. He asked what were the main findings of the assessments carried out under the gender impact analysis and assessment system, and what corrective measures had been taken to follow up on such assessments.

23. Lastly, he wished to know whether the State party had any plans to accede to the Optional Protocol to the Covenant, as it had done for four instruments involving communications procedures and two inquiry procedures. Ratification of the Optional Protocol would help the State party to carry out the provisions of the Covenant in practice.

24. **The Chair**, speaking as a member of the Country Task Force, asked what obstacles the Government had encountered in its efforts to reduce youth unemployment; whether the Equal Employment Opportunity and Work Family Balance Assistance Act was applicable to small and medium-sized enterprises; what the overall impact of that Act had been; and

whether it prohibited discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.

25. Noting that the number of persons in precarious employment had risen and that many employers, particularly chaebols, avoided their obligations through the use of triangular or indirect employment schemes, she enquired whether the Government planned to review the Labour Standard Act and the Trade Union and Labour Relations Adjustment Act, in order to clarify the rights and obligations of workers and employers.

26. In the light of reports that it was difficult for workers to obtain redress following an unfair dismissal and for trade unions to engage in effective social dialogue, she asked how many complaints of unfair dismissal had been submitted to the labour authorities, how those complaints had been handled and what provision was made for social dialogue.

27. Noting that the statistics provided by the State party on the number of workers earning less than the minimum wage were far lower than those provided by other sources, and that the minimum wage for 2018 was lower than the actual cost of living as calculated by the Minimum Wage Council in 2016, she asked whether the delegation could explain those disparities. There was a need to establish a strong collective bargaining system, in order to tackle the growing wage inequalities between and within enterprises, and to remedy the poor working conditions and exploitation faced by foreign migrant workers, especially on fishing vessels.

28. Lastly, she invited the delegation to comment on a number of worrying trends in the social security sector, including the decrease in the social security budget and the drop in the number of persons covered by the non-contributory system.

29. **Mr. Sadi** asked what the main obstacles were to the State party's fulfilment of its obligations under the Covenant and whether its ability to meet those obligations was affected by tensions with the Democratic People's Republic of Korea. He enquired whether the State party prioritized some human rights over others, and whether it planned to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

30. Lastly, emphasizing that the national human rights institution should be fully independent, he asked whether the rights enshrined in the Covenant were protected and promoted by that institution on an equal basis with other human rights.

31. **Mr. Windfuhr** said that the delegation should comment on reports that freedom of association was severely restricted and that labour rights were not sufficiently protected. Noting that the Government had expressed willingness to ratify some of the International Labour Organization (ILO) conventions, including those on freedom of association and forced labour, he asked whether any action had been taken in that regard.

32. Lastly, he enquired whether the social security legislation adopted in August 2017 had helped to reduce the number of people without access to the National Basic Livelihood Security System, and whether the Basic Pension Scheme had improved the situation of older persons.

33. **Mr. De Schutter**, drawing attention to paragraph 47 (h) of the Committee's general comment No. 23 (2016) on the right to just and favourable conditions of work, asked whether the Government planned to amend the Labour Standards Act or take other measures to ensure that agricultural workers were protected on an equal basis with other workers.

34. He enquired whether the State party had considered ensuring that corporations operating abroad complied with human rights standards by attaching certain conditions to the investments made by the Korean National Pension Fund or to the loans provided by the Export-Import Bank of Korea.

35. Lastly, he invited the delegation to confirm whether certain social security rights were granted exclusively to married couples and could not be exercised by same-sex couples, since same-sex marriage was not provided for by law.

16. **Mr. Uprimay**, noting that persons wishing to assert their economic, social and cultural rights before an ordinary court faced very high litigation costs, asked what measures were being taken to increase access to justice for the protection of these rights.

17. Pointing out that some pieces of legislation, such as the Military Criminal Act, contained provisions that discriminated against LGBTI persons, he enquired whether the Government planned to repeal those provisions and to adopt a comprehensive law for the protection of LGBTI persons.

18. **The Chair**, noting that the State party had the largest gender pay gap of all member countries of OECD, asked what steps were being taken to reduce that gap and to promote the principle of equal pay for equal work.

19. **Mr. Kordia** asked how the Government viewed the role of the National Contact Point for the implementation of the OECD Guidelines for Multinational Enterprises and what steps would be taken to increase the transparency of its operations and facilitate access to it. He enquired whether the small number of prosecutions relating to corruption reflected a low level of corruption in the State party or shortcomings in the anti-corruption system.

The meeting was suspended at 4:10 p.m. and resumed at 4:30 p.m.

20. **Mr. Chang In-kyong** (Republic of Korea), recalling the information provided in paragraphs 1 and 2 of his country's replies to the list of issues, said that the third National Action Plan for the Protection and Promotion of Human Rights would cover corporate responsibilities in the field of human rights and would take into account the views of civil society and the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.

21. **Mr. Kim Taehun** (Republic of Korea) said that the people's advisory committee had given positive feedback on a number of measures implemented under the second National Action Plan for the Protection and Promotion of Human Rights (2012-2016), including the expansion of the National Basic Livelihood Security System. However, there was still progress to be made in many key areas. The Government would decide whether any uncompleted tasks would be carried over to the third National Action Plan.

22. **Ms. Jang Jaemin** (Republic of Korea) said that steps were being taken to increase the social security coverage of vulnerable groups. The number of persons who received basic livelihood benefits was expected to reach more than 2.5 million in the coming few years. Health insurance coverage for four major diseases, including cancer, had been increased, as outlined in paragraph 134 of her country's report.

23. Since 2015, her country had invested ₩120 trillion in measures to raise the fertility rate; the implementation of those measures was overseen by a committee chaired by the President. The Government had adopted a holistic approach in order to address the various root causes of the problem. The third comprehensive plan in that area, which had been adopted in 2016, included the provision of 200,000 hours for newly-weds and support for persons wishing to undergo fertility treatment.

24. The high suicide rate was due to the financial crisis and the breakdown of local communities as a result of industrialization. Since the adoption of legislation on suicide prevention in 2011, the suicide rate had fallen, particularly among older persons. A support system for persons who had attempted suicide had been set up in 2013. Further measures would be taken by the new Administration, which had identified suicide prevention as a national priority.

25. The Government was committed to improving the public pension system. The basic State pension would be increased from its current level of ₩200,000 to ₩250,000 by 2018 and ₩300,000 by 2021. In 2018, a financial review of the National Pension Scheme would be conducted with the aim of improving income replacement rates. In addition, measures would be taken to increase enrolment among specific categories of worker, including temporary workers and the self-employed. Over the following five years, the Government would create an additional 800,000 jobs for older persons with a view to strengthening their participation in public service.

46. **Mr. Kim Euihyun** (Republic of Korea) said that, pursuant to article 6 (1) of the Convention, international treaties that had been duly concluded and promulgated, such as the Covenant, had the same effect as domestic law, as did generally recognized rules of international law. The provisions of the Covenant were also cited in court judgments.

47. **Ms. Oh Yoonjin** (Republic of Korea) said that, in accordance with the National Human Rights Commission of Korea Act, the Commission was responsible for issuing policy recommendations and raising awareness of human rights. The Commission was competent to examine cases of alleged violations of economic, social and cultural rights to the extent that they overlapped with violations of the constitutional rights to pursue happiness and to equality. Further consideration would be given to the possibility of granting the Commission powers to investigate violations of economic, social and cultural rights. The pre-2009 staffing levels of the Commission had been restored, its investigative powers had been strengthened, and it would be transformed further in coming years.

48. **Mr. Kim Taehoon** (Republic of Korea) said that public bodies were evaluated on their compliance with human rights-based management principles. For example, they were evaluated on the extent to which they practised responsible supply chain management and guaranteed the protection of local residents. The Korea International Cooperation Agency would soon adopt a manifesto on human rights-based management principles, and compliance with such principles would be one of the criteria against which project proposals were evaluated. In addition, efforts would be made to encourage compliance with these principles in the implementation of international cooperation projects.

49. **Mr. An Haejun** (Republic of Korea) said that, owing to various obstacles encountered in the legislative process, it had not been possible to adopt a comprehensive anti-discrimination law. Four separate bills had been submitted to the National Assembly, but they had all been defeated. The Government was exploring alternative strategies for the adoption of such a law and was working with civil society organizations to gauge public opinion on the matter. On 12 September 2017, 110 civil society organizations had held a joint press conference to raise awareness of the need for a comprehensive anti-discrimination law, and a campaign to collect signatures in support of such a law had also been launched. The Government would continue to take account of the diverse views of civil society on the matter.

50. The Constitutional Court had repeatedly ruled that the provisions of the Military Criminal Act that prohibited same-sex sexual relations were not unconstitutional. Those provisions were considered necessary in the specific context of the military, but a bill amending the Military Criminal Act with a view to abolishing them was currently pending before the National Assembly. With regard to discrimination against sexual minorities, it should be noted that article 11 of the Constitution and approximately 90 different laws contained provisions on discrimination, and that discrimination on the basis of sexual orientation was explicitly prohibited in the National Human Rights Commission of Korea Act.

51. **Mr. Kim Taehoon** (Republic of Korea) said that the Constitutional Court had recognized that certain constitutional rights were applicable to both Korean citizens and foreign nationals. However, other rights were applicable only to Korean nationals. The possibility of amending the Constitution to ensure the applicability of basic rights to foreign nationals was under discussion.

52. **Ms. Chang Miyoung** (Republic of Korea) said that the Government conducted assessments of the gender impact of legislative and other initiatives. One of the outcomes of that process had been the harmonization of entitlements to childcare leave.

53. **Ms. Oh Yoonjin** (Republic of Korea) said that the Ministry of Justice had conducted a review of its rules and procedures and relevant jurisprudence in preparation for ratification of the Optional Protocol to the Covenant. It had been concluded that the Optional Protocol could not be ratified, as the national legal system was not yet fully in line with its provisions, but the Government would consider the matter further in conjunction with civil society and academia.

54. **Ms. Kim Ji Eun** (Republic of Korea) said that a scheme had recently been introduced to promote the employment of young people by small and medium-sized enterprises. In addition, the Government had made it mandatory for public bodies to hire young people and had facilitated their employment overseas. Some 60 university job centres were operational.

55. **Mr. Yoo Jong Ho** (Republic of Korea) said that an affirmative action policy had been adopted in large corporations and public bodies. It would increase the number of women in employment, and particularly in managerial positions. The names of organizations that failed to comply with the affirmative action policy would be made public. With regard to childcare, the Government had introduced a series of measures that affected the entire workforce, including subsidies for day-care centres and support for flexible working arrangements. In addition, efforts were being made to promote a healthy work-life balance and to encourage men to shoulder some of the burden of childcare responsibilities.

56. **Mr. Yun Mun Gyu** (Republic of Korea) said that, under the Labour Standards Act, workers could file a complaint regarding unfair dismissal with the Labour Relations Commission, which would conduct a review and take corrective measures as appropriate. Workers, employers and public interest commissioners were represented on the Labour Relations Commission.

57. **Ms. Kim Ji Eun** (Republic of Korea) said that job sharing served to reduce long working hours and to increase the number of high-quality jobs. The Labour Standards Act stipulated that the maximum number of working hours per week was 52, and small and medium-sized enterprises would be given support to enable them to overcome any difficulties associated with ensuring respect for that limit.

58. Discrepancies among the various data sets on compliance with the minimum wage were due to differences in methodology. For example, some of the studies had excluded public sector workers, and others had relied on self-reporting. The Minimum Wage Council based its calculations on a range of factors, including productivity rates and consumer price indices. The minimum wage was increasing at a faster rate in the Republic of Korea than in other advanced countries, and the ratio of minimum wages to median earnings, which had nearly doubled over the previous 20 years, was currently higher than in Germany, Japan and the United States of America.

59. **Mr. Yoo Jong Ho** (Republic of Korea) said that, in principle, a foreign worker who had been hired by a specific employer under the Employment Permit System was required to continue to work for that employer for the duration of his or her stay in the Republic of Korea. However, in certain circumstances, such as the liquidation of the organization in question, a foreign worker could change employer without having to register a new workplace. The Government had issued a standard labour contract for the agricultural and fishing sectors, both of which were exempt from certain provisions of the Labour Standards Act. In recent years, measures had been taken to protect migrants who worked on fishing vessels, and employers could be fined for allowing violations of their rights to occur.

60. **Ms. Oh Yoojin** (Republic of Korea) said that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families could not currently be ratified, as it conflicted with a number of domestic laws. Nevertheless, several laws that protected the rights of migrant workers were already in force, including the Labour Standards Act, the Industrial Accident Compensation Insurance Act, and the Trade Union and Labour Relations Act. The Government had taken steps to protect migrant workers as a specific vulnerable group.

61. **Mr. Yun Mun Gyu** (Republic of Korea) said that both the Constitution and the Trade Union and Labour Relations Act guaranteed the fundamental labour rights of all workers. Monitoring of unfair labour practices that violated those rights was being strengthened. Striking and engaging in legitimate industrial action were not subject to civil or criminal prosecution. Where industrial action could threaten workers' livelihood, the Government had been working on measures to prohibit the seizure of more than one half of a worker's wages. The criminal courts also applied very strict criteria when determining whether obstruction of business had taken place. The Government sought to promote the understanding that the worker-employer relationship was one of partnership.

62. The Republic of Korea had ratified four of the eight ILO fundamental conventions. Ratification of the remaining four conventions was on the policy agenda of the new Administration. The relevant legal and institutional issues would be reviewed in order to analyse the obstacles to ratification and ensure that domestic law was in line with ILO standards.

63. **Ms. Jang Jaewon** (Republic of Korea) said that the Government had recently amended legislation related to the National Basic Livelihood Security benefit. The criteria for beneficiaries had been differentiated in order to better assist those in need; in addition, the criteria for obligatory support providers were being loosened.

64. **Ms. Liebenberg** (Country Task Force) said that under the current birth registration system only Korean nationals could officially register the birth of their children. The children of asylum seekers and refugees were negatively affected as a result. She wished to know whether the Government had any plans to establish a universal system of birth registration.

65. In 2016, nearly 54,000 cases of domestic violence had been registered for prosecution. She wondered whether there were sufficient shelter facilities for survivors of such violence in the country.

66. Same-sex couples were not legally recognized, which deprived them of the rights afforded to heterosexual couples. She wished to know whether there were any plans to officially recognize same-sex couples.

67. In the light of the sharp increase in child abuse, she would appreciate information on budgetary and other measures contemplated to protect children and prevent child abuse.

68. Although the successful efforts of the State party to reduce absolute poverty were commendable, relative poverty appeared to be on the rise. It would be useful to know what percentage of the relatively poor were covered by the National Basic Livelihood Security System. She would appreciate an explanation of the reasons why persons classified as poor were not covered by the scheme. In the light of the welcome news of plans to study the revocation of criteria for obligatory support providers, she wondered whether the system could be abolished altogether; perhaps attention could be redirected from the means of the household with the duty to support to the means of the household in need.

69. It was a source of concern that Government policy on the homeless focused on shelter residency rather than on long-term housing solutions. She would like to know whether there were sufficient planning and budget provisions for public rental housing for the homeless. Rising housing costs were also a matter of concern; in 2015, the rent-to-income ratio had risen to a record high. It would be useful to hear whether there were any specific measures to regulate the private housing market and whether rent control legislation was under study.

70. Water pollution was a serious problem, especially since the completion of the Four Major Rivers Restoration project. The increased occurrence of algal blooms had led to potential carcinogens entering the water supply system. She would appreciate an account of long-term measures to restore rivers to cleaner states and ensure safe drinking water.

71. Although approximately 10 per cent of the population lived in absolute poverty, as of 2013 only about 3 per cent of the total population received medical insurance benefits. It would be interesting to learn more about the National Health Insurance Service coverage rate and whether there were plans to extend coverage.

72. According to reports, only some 15 per cent of persons with mental illness received mental health-care services. She wished to know whether there were plans to allocate a greater share of the national health-care budget to mental health care and to devise a more effective national strategy tailored to meet the needs of specific groups, such as young people and the elderly. The Committee would welcome details of the gatekeeper system for suicide prevention and care. With regard to another health-related issue, the Committee would like to know whether the Government had any plans to decriminalize abortion. In the light of reports of discrimination against persons with HIV/AIDS by medical personnel, the Committee would also appreciate information on measures to ensure that HIV/AIDS

patients received adequate treatment and care. Lastly, she asked whether there were any plans to extend National Health Insurance coverage to include gender reassignment surgery.

73. **Mr. Abashidze** (Country Task Force) said that, despite the remarkable progress made in the education sector, the Government still faced significant challenges in terms of the quality of education. Early childcare and education was covered by a dual system, with separate objectives and regulations. As a result, children in the same age group received different educational services, depending on the institution they attended. He wished to know what measures the Government was taking to ensure that all children started their education on equal footing.

74. At the higher levels of education, many students supplemented their studies with extracurricular activities to increase their chances of admission into university. That put poorer students, who could not afford such activities, at a disadvantage. He would appreciate information on policy measures to standardize public education, so that supplementary educational activities were not needed.

75. Gender inequality in education was a matter of concern. He wished to know what steps the Government was taking to ensure inclusive education for all members of society, including children with disabilities.

76. In the light of the growth of minority cultures in the Republic of Korea, he would appreciate statistical information on cultural diversity in the State party. It would be interesting to have an explanation of the low degree of acceptance of multiculturalism in society at large. It would also be helpful to hear about measures taken by the Government to fulfil the recommendations of the United Nations special rapporteur regarding the revision of the school curriculum in order to raise awareness of multiculturalism from an early age.

77. He would welcome details of Government measures to prevent discrimination, which hampered the enjoyment of science-related and cultural rights. He also wished to hear about the policy approach to issues of privacy.

78. Lastly, he understood that the significant role played by private business made it difficult for people to access affordable and reliable social services. In the light of such circumstances, he would appreciate information on measures to facilitate the use of the Internet by disadvantaged and marginalized groups.

The meeting rose at 6 p.m.

The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Fourth periodic report of the Republic of Korea (continued) (E/C.12/KOR/4; E/C.12/KOR/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Republic of Korea took places at the Committee table.*

2. **Ms. Jang Jaewon** (Republic of Korea) said that the Government ensured the provision of high-quality social services through regulation, quality assessments and training of the workforce. The new Administration intended to significantly increase the social service infrastructure. Local governments would identify people in need and provide them with the level of services that they required.

3. The authorities planned to open more public day-care centres, in order to meet their target of increasing the usage rate from 26 per cent to 40 per cent. The quality of day-care provision was assessed under an evaluation and certification scheme, which was currently being upgraded. A regional analysis was being made of areas underserved by the health-care sector, with a view to identifying priority locations for the construction of new facilities or the expansion of existing ones.

4. **Ms. Lee Hye Jung** (Republic of Korea) said that, in line with the Committee's general comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, a section on business and human rights would be included in the third National Action Plan for the Protection and Promotion of Human Rights, which was currently being prepared. The second National Action Plan, which had been implemented between 2012 and 2016, had included components on human rights education and improvements to the work of the national contact point (NCP), in line with the Organization for Economic Cooperation and Development Guidelines for Multinational Enterprises.

5. In certain cases of corporate human rights violations, the perpetrators assumed both civil and criminal liabilities. Victims, including employees and subcontractors, of human rights violations committed by companies or executives had the right to seek compensation for damages under civil law. That right extended to victims who were foreign nationals. Executives who committed criminal human rights violations in another country were subject to the criminal justice system of the Republic of Korea.

6. **Mr. Choi Won-Youb** (Republic of Korea) said that complaints of human rights violations by companies based in the Republic of Korea could be filed with the NCP. In October 2011, the Government had accepted the recommendations issued by the National Human Rights Commission of Korea on the need to strengthen the diversity and expertise of NCP officials.

7. **Ms. Jang Jaewon** (Republic of Korea) said that, pursuant to the National Pension Act, any company that was in receipt of investment from the pension fund and which committed human rights violations was responsible for taking counter-measures. The Government had commissioned research that would inform the preparation of guidelines for responsible investment.

8. **Mr. Yun Mun Gyu** (Republic of Korea) said that the Government had identified paying fair wages to non-regular and indirectly employed workers and closing gaps in the labour market as national policy priorities. The legislation in force to protect temporary agency workers stipulated that companies using such workers were responsible for upholding basic employment rights in relation to working hours, breaks and holidays, and for prohibiting discrimination in their workplaces. The Government intended to undertake fact-finding surveys to explore ways of protecting the basic employment rights of persons in special occupations, such as expanding the number of occupations that qualified for industrial accident insurance.

9. **Mr. Yoo Jhong Ho** (Republic of Korea) said that the agricultural sector was affected by natural phenomena that made it difficult to apply uniform or universal criteria with regard to labour standards and working conditions. The Government planned to undertake workplace inspections and issue guidance in an effort to reduce the long working hours often found in that sector. Options for further improvements would be examined.

10. **Ms. Jang Jaewon** (Republic of Korea) said that while legislation on pensions did not discriminate against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, same-sex couples were not recognized by law and were therefore ineligible for survivors' pensions.

11. **Mr. An Heejun** (Republic of Korea) said that measures in place to improve access to justice and judicial remedies included judicial reviews of the constitutionality or legality of court orders and rulings. Both civil and criminal procedures were available to private individuals whose human rights had been violated. Quasi-judicial remedies included the lodging of administrative appeals and the filing of petitions with the National Human Rights Commission of Korea.

12. Persons with disabilities, recipients of basic livelihood security benefits and members of other disadvantaged groups who were the victims of criminal offences were entitled to free legal advice and representation. From 2018, that entitlement would be extended to people whose income was less than 50 per cent of the national average. The Korea Legal Aid Corporation provided comprehensive legal services through its nationwide network of 140 offices. Since 2012, the Ministry of Justice had operated a scheme under which it employed lawyers directly and then assigned them to local governments or social welfare councils. The lawyers visited disadvantaged persons at home and provided them with legal advice. In regions where there was a lack of lawyers, members of the Korean Bar Association provided local residents with pro-bono primary legal aid services.

13. **Ms. Chang Mikyong** (Republic of Korea) said that the large gender wage gap in the Republic of Korea could be attributed to structural vulnerabilities. Affirmative action policies were in place to address the gap and promote women's employment. A gender impact analysis was due to be carried out in 2017, and guidelines would be produced with a view to closing the gender wage gap.

14. **Mr. Kim TaeHun** (Republic of Korea) said that the authorities did not record statistics on the number of indictments and sentences for corruption involving high-ranking public officials. New legislation on improper solicitation and graft had entered into force in September 2016 and was expected to reduce corruption. The National Assembly was currently considering three bills on the establishment of a body to investigate corruption scandals involving high-ranking public officials.

15. **Mr. Park Jinsoo** (Republic of Korea) said that the Act on the Registration of Family Relationships provided for registration of the birth, marriage or death of citizens of the Republic of Korea only. National consensus would need to be built before a separate system could be introduced to register the births of children of undocumented migrants, asylum seekers, refugees and stateless persons. The children of undocumented migrants and asylum seekers were allowed to enrol in schools. Children who were subject to removal from the country could receive a stay of deportation in order to allow them to complete their studies. The children of foreign nationals living in the Republic of Korea were entitled to free vaccinations and emergency medical care.

16. **Ms. Chang Mikyong** (Republic of Korea) said that the support system for victims of domestic violence included a hotline number and a network of counselling centres. Emergency shelters provided accommodation to victims and their families for up to seven days. When victims left protection facilities they received a support allowance. The Korea Land and Housing Corporation offered accommodation in communal homes to victims of domestic violence under a rental deposit assistance scheme. The new Administration had identified stricter sentences for gender-based violence and more robust victim protection measures as policy priorities.

17. **Ms. Jang Jaewon** (Republic of Korea) said that in 2016, the Government had devised pan-governmental child abuse prevention measures in four key areas, namely the

early identification of victims, a swift response to cases, more stringent punishments and increased support for victims. In 2017, 1.1 billion won (₩) had been earmarked for child abuse prevention initiatives, including public awareness campaigns. The list of mandatory reporters had been expanded, resulting in a steady increase in the number of reports of child abuse. Specialized child protection agencies around the country provided counselling and psychological support for the victims of child abuse. The Government intended to develop a system for the early identification of at-risk children.

18. The requirements related to income, property and the "obligatory provider" criteria meant that not all households with an income of less than 50 per cent of the average were eligible to receive benefits under the National Basic Livelihood Security System, which currently supported approximately 3.2 per cent of the population. The Government intended to abolish the obligatory provider criteria for persons claiming housing benefit in October 2018, while for families caring for persons with severe disabilities or elderly persons and for those households with the lowest income the criteria would be phased out from 2019. An analysis would be undertaken regarding abolition of the criteria for persons claiming cost-of-living and medical benefits. Further reviews of the mechanisms in place would be conducted in advance of development of the second comprehensive plan on the National Basic Livelihood Security System in 2020.

19. A significant decrease in the number of suicides among senior citizens had been achieved through the ban on the production and distribution of poisonous agricultural pesticides. A nationwide network of 241 mental health centres provided counselling and suicide prevention education, in particular for managers of care services for older persons living alone.

20. Individuals who were in receipt of the basic pension were eligible to seek additional benefits from the National Basic Livelihood Security System if they required them. The obligatory provider criteria were being phased out for older persons, to enable them to receive more than one type of benefit.

21. **Ms. Lee Jungwon** (Republic of Korea) said that persons currently living in substandard accommodation, particularly persons with disabilities, were accorded priority access to public rental housing. Welfare centres were being established, as well as communal homes for older persons who lived alone. Between 2018 and 2022, 170,000 units of public rental housing would be made available each year to help provide low-income families with stable long-term rental accommodation. The project took account of the needs and income levels of certain categories of recipients, such as the young, newly-wed couples and older persons. At the same time, the Government was broadening the recipient base of its housing allowance programme and introducing favourable interest rate policies, to further reduce the housing cost burden for working families. Measures were being put in place to regulate the private rental market. Incentives and tax benefits had been introduced to encourage landlords to register their rented accommodation and to extend rental periods. Price caps on initial deposits and monthly rents, as well as the right of tenants to claim contract renewal, were to be introduced in phases.

22. **Mr. Song InJun** (Republic of Korea) said that a number of major river dam projects were currently being monitored to assess their impact on local ecosystems and to determine water quality and quantity and the prevalence of blue-green algae. At the end of 2018, the information collected would be assessed and decisions made on how to proceed; i.e., whether to remove a dam altogether or to maintain it and reinforce its environmental sustainability. On the basis of those decisions, the Government would then be launching measures to restore the health of rivers in 2019.

23. Levels of trihalomethanes in the drinking water supply were constantly monitored to ensure that they remained within acceptable limits. The inflow of blue-green algae was also controlled and kept to a minimum. At the purification stage, activated carbon was used to reduce the quantity of organic compounds, and the water was disinfected through the injection of optimum amounts of chlorine and ozone. Water treatment facilities were being enhanced, such as those on the Han River where 70 per cent of the facilities would be modernized by 2025.

24. **Ms. Jang Jaewon** (Republic of Korea) said that, by 2022, as the obligatory provider criteria of the National Basic Livelihood Security System were relaxed, access to medical benefits would improve for around 230,000 people. A three-year plan regulating medical benefits was currently being drafted. At the same time, the coverage of the national health insurance scheme was being expanded to accommodate non-covered items required for medical reasons. Since high medical costs could leave households bankrupt, a catastrophic health expenditure support scheme was being introduced whereby, if medical expenditure exceeded a certain percentage of a household's annual income, a co-payment sum of up to ₩20 million per year was made available.

25. The high suicide rate was a matter of concern at the highest levels of the Government. The President of the Republic had ordered an analysis of long-term suicide trends and was promoting the formulation of new measures targeting certain groups such as older persons, sexual minorities and the young. The Ministry of Health and Welfare had plans to set up a special suicide prevention department in 2018. The authorities had also launched a suicide prevention initiative known as the gatekeeper system. A gatekeeper was a person deemed to be in a position to perceive and respond to early warning signs of impending suicide in others. Since 2013, some 370,000 persons had received training as gatekeepers. They included carers looking after older people who lived alone, nurses, teachers, law enforcement officers and public officials.

26. **Ms. Oh Yoojin** (Republic of Korea) said that the Government was committed to protecting the right to life of the fetus. It therefore respected the Constitutional Court ruling that abortion was an offence. In order to prevent unwanted pregnancies and promote maternal health, the authorities organized anti-abortion campaigns to explain and promote contraception, family planning and healthy sexual values.

27. **Ms. Jang Jaewon** (Republic of Korea) said that the law had been amended to allow HIV/AIDS sufferers to be admitted to long-term care hospitals under the national health insurance scheme. Punitive measures could be taken against a health-care institution if it refused to admit an HIV/AIDS patient without good reason. An HIV/AIDS guidebook had been produced and distributed to hospitals, and health-care providers received special training. AIDS prevention campaigns aimed at the general public were being systematically conducted. No consideration had yet been given to the possibility of including sex reassignment surgery under the national health insurance scheme. However, the question was expected to arise in the course of a review of the scheme over the coming five years.

28. **Mr. Kim Chonghong** (Republic of Korea) said that efforts were being made to ensure that children between the ages of 3 and 5 years, whether they attended childcare centres or pre-school establishments, followed the same curriculum, were provided with the same level of fiscal support and thus enjoyed equal educational opportunities. Elementary and middle school education was free of charge and compulsory, and the Government was pursuing the goal of applying the same conditions to high school education. In the meantime, extra support was given to high school pupils from low-income families. Measures to standardize public education included the introduction of a semester free of examinations in middle school and the adoption of regulations on private schools offering intensive classes at night. An income-aligned national scholarship scheme for university students had contributed greatly to reducing the burden on more economically disadvantaged groups. Other support measures were tailored to meet the needs of particular groups such as students with disabilities, students from rural communities or students from refugee families from the Democratic People's Republic of Korea.

29. **Ms. Chang Mikyong** (Republic of Korea) said that the Government was seeking to stimulate greater interest in science, technology and engineering among female students. Technology courses were available for girls in middle and high school, and women who already excelled in those areas made their expertise available to and mentored aspiring female students; around 10,000 students were currently participating in the programme. Special capacity-building and career orientation courses were offered to female students majoring in science and engineering. A plan to improve the representation of women in public sector leadership roles had met with considerable success. For example, currently 37.3 per cent of principals and vice-principals in State-run schools were women, compared with 24.6 per cent in 2012.

30. **Mr. Kim Chonghong** (Republic of Korea) said that, as children with disabilities received free and compulsory education from kindergarten to high school, they effectively had more educational opportunities than the population at large. The Government was seeking to recruit and train more teachers of children with special needs. Owing to distorted perceptions, plans to open special schools for children with disabilities sometimes met with opposition from local residents. Efforts were therefore also made to raise awareness about disability among the general public.

31. **Ms. Song Seung yeon** (Republic of Korea) said that the Government had various policies by which it aimed to promote multicultural awareness. The Rainbow Bridge Project, which had been launched in 2012, sought to engage various cultural actors in the community in a celebration of the value of cultural diversity. Every year, on 20 and 21 May, local communities celebrated, respectively, the national "Together Day" and the World Day for Cultural Diversity for Dialogue and Development. A number of educational projects to sensitize people to cultural diversity were also under way, including online support systems, special teacher training courses and a revised school curriculum from 2015 that reflected the importance of multicultural education.

32. **Mr. Park Jinsoo** (Republic of Korea) said that the Government had developed policies to encourage the integration of foreign nationals and to promote mutual respect and understanding between them and Korean citizens. Marriage immigrants, international students, migrant workers and other foreign nationals, all of whom were considered to be part of Korean society, were offered integration courses to help them adapt to their new surroundings. The courses, which were provided free of charge, focused on the acquisition of language skills and an understanding of local culture and society. Volunteers and community lawyers provided a range of medical and legal services. As of July 2017, a total of 2,063,659 foreign nationals were residing in the Republic of Korea, of whom 154,072 were marriage immigrants, 523,985 migrant workers and 401,932 ethnic Koreans of foreign nationalities.

33. **Ms. Oh Yoojin** (Republic of Korea) said that, in order to close the digital divide and facilitate access to computers and the Internet, the Government had taken measures to distribute communications devices and personal computers among digitally marginalized groups such as the elderly, persons with disabilities and rural communities. A certification scheme was being contemplated to standardize websites and ensure that they were accessible to everyone, regardless of age or disability. Training in information technology was also provided through individual and group classes, as well as online. Since 1999, more than 4.2 million people had availed themselves of that service, and use of the Internet by digitally disadvantaged groups had increased from 44.3 per cent in 2010 to 63.4 per cent in 2016.

34. **Mr. De Schutter** said that he wished to know under what circumstances victims of human rights violations could seek remedies in the Republic of Korea when those violations had been committed by subsidiaries of transnational corporations based in the country. The best way to lift the corporate veil and combat impunity was for the Government to impose the requirement of due diligence on companies domiciled within its territory. He also remained concerned by the fact that the Labour Standards Act explicitly excluded agricultural workers from protection under labour legislation. The vast majority of agricultural workers were migrants. Their rights were already severely curtailed and they needed more, not less, protection.

35. **Mr. Abdel-Moneim** said that he wished to know how the third National Health Plan and the National Health Promotion Act addressed health hazards potentially arising from the use of nuclear energy. Given that the Republic of Korea was known to have 24 nuclear plants, he would appreciate the delegation's comments on two studies published in the *Journal of Korean Medical Science*, which claimed that nuclear power plants were responsible for ionizing radiation-induced diseases and increased cancer risk in adults residing nearby.

36. **Mr. Uprimny** said that he would like more information about the revenue stamp costs that parties to legal proceedings had to pay courts in order to file an appeal. Considering that workers who were sued for going on strike were particularly affected by

such costs, he asked whether the State party considered the requirement to be an obstacle to the right to strike. While grateful for the information provided on efforts to improve National Health Insurance coverage, he particularly wished to know whether the Government planned to allocate new funding to the National Health Insurance scheme and whether it would increase social spending in sectors that were lacking coverage. Noting that the rights of the LGBTI community were a sensitive topic, he asked what measures the Government had taken to eliminate prejudice and address discrimination against LGBTI persons?

37. **Ms. Liebenberg** (Country Task Force) said that birth registration was a critical measure to protect children against illegal adoption, trafficking and early marriage, and particularly so in the case of refugees and asylum seekers. Given that non-nationals were also entitled to protection under the Covenant, did the State party intend to review the specific legal provision whereby birth registration was only available to nationals?

38. Since trafficking for various purposes was a serious problem in the Republic of Korea, she wondered whether the definition of that offence under the Criminal Act was sufficient to enable its detection, especially in relation to foreigners who had entered the Republic voluntarily, for example on E-6 visas valid for work in the entertainment industry. Were adequate services in place to support victims of trafficking and to avoid further exploitation or victimization at the hands of immigration officials?

39. **Mr. Kedzia** (Country Rapporteur) said that the information given on participation in the development of the third National Action Plan for the Protection and Promotion of Human Rights was rather vague and did not correspond to the submissions of the National Human Rights Commission of Korea and non-governmental organizations. It was insufficient to state the Government was seeking input and that a continuing participatory framework was required in which all stakeholders had a recognized status.

40. The Committee welcomed the information that international treaties, including the Covenant, had a status similar to domestic constitutional law. However, since the Constitution enshrined only a limited number of economic, social and cultural rights, the Covenant assumed additional importance as a supplementary source of law. In that sense, he wished to learn more about measures to promote awareness of the benefits of the Covenant among Constitutional Court judges and other members of the judiciary.

41. The Committee would be grateful for details about whether Korean companies operating domestically and overseas carried out human rights impact assessments as part of their business activities. Information might be provided on whether an impact assessment had been carried out in the case of Daewoo Textile and the allegations of forced labour and child labour in Uzbekistan and, if so, who had been responsible for the assessment and whether the Government had been involved in the process. Similar details might be provided in respect of palm oil projects in Indonesia. States parties to the Covenant had a responsibility to monitor the activities of the companies under their jurisdiction, and the Government should carefully study the Committee's general comment No. 24.

42. Lastly, he questioned how the Government could tackle corruption if it did not maintain statistics that determined the scale of the problem. It should establish a special mechanism for recording cases of corruption, so that the topic could be considered in greater depth at the State party's next review.

43. **Mr. Sadi**, welcoming Mr. Abdel-Moneim's comments on nuclear power plants in the Republic of Korea, said that he was interested to learn whether the incidence of cancer in the State party was increasing or decreasing. Had the Government established a link between dependence on nuclear energy and the rise in the number of cancer cases?

44. **Mr. Windfuhr**, noting the legitimate reasons that had been given for restricting the right to strike, said that both the International Labour Organization (ILO) and the Special Rapporteur on the rights to freedom of peaceful assembly and of association had emphasized that the range of limitations was extremely large. In several cases, charges had been brought against striking workers, in some cases leading to imprisonment, which constituted a *de facto* limitation on the right to strike. In that context, he asked whether

discussions were under way with a view to amending the restrictions on legal industrial action and the definition of essential public services.

45. **The Chair**, speaking as a member of the Country Task Force, said that a lack of understanding of the usefulness of trade unions in social dialogue was at the root of problems such as substandard forms of employment, long working hours and other gaps in just and favourable conditions of work. The Committee did not understand the need for the restrictive definition of a legal strike, or why the Korean Teachers and Education Workers Union and the Korean Government Employees' Union had been deprived of legal recognition because their by-laws allowed union membership for dismissed workers. In view of information that many of the issues raised by the Committee would be addressed as part of the new Administration's policy road map, she asked whether that process included the revision of existing legislation and the legal definitions of workers and employers.

46. The Committee welcomed plans to review the Labour Standards Act, which was particularly necessary in respect of the provision that allowed even profitable companies to claim urgent managerial reasons for dismissal. Noting that dismissed workers had recourse to the Labour Relations Commission, she wished to know how many complaints had been submitted to that body and what decisions had been taken. With regard to the review of working hours that had been carried out, she was concerned that certain sectors had been excluded and wished to know whether working hours in those sectors would be reviewed subsequently. Lastly, although the delegation had identified the causes of the gender pay gap in detail, further explanation was required as to the concrete measures or affirmative action that the Government was taking to ensure equal pay for equal work.

47. **Mr. Chen** said that he wished to address the environmental aspects of the deployment of the Terminal High Altitude Area Defense (THAAD) system by the United States military in the Republic of Korea. One of the locations initially chosen for that system had been rejected by local people, leading to the selection of a new site, which had also provoked strong opposition from residents. Despite the new President's assurance that the deployment would be subject to the outcome of an environmental impact assessment, all six THAAD units had lately been deployed. Irrespective of the need for the deployment, he wished to know what steps the Government had taken to explain the situation to local people and to take their views into consideration.

The meeting was suspended at 11.55 a.m. and resumed at 12.20 p.m.

48. **Mr. Chang In-hong** (Republic of Korea) said that various efforts had been made to accommodate the recommendation of the National Human Rights Commission of Korea in relation to civic engagement in the development of the third National Action Plan. In 2016, the Government had invited human rights and civil society organizations to submit inputs for the Plan and a public hearing had been held to hear voices from all sectors of society. The Government would continue to seek the views of civil society each year, expressed through the people's advisory committee, for the duration of implementation of the Plan.

49. **Ms. Lee Hye-jung** (Republic of Korea) said that the liability of parent companies for human rights violations committed by subsidiaries could be limited if the company in question was a subsidiary or joint venture that was regarded as an independent entity. Nonetheless, the real relationship between the companies was taken into consideration, so the parent company could be held responsible in certain cases. However, in practice it could be difficult to find evidence establishing the relationship between the local and the parent company: companies headquartered in the Republic of Korea were therefore unlikely to be found liable for the actions of their overseas subsidiaries.

50. **Mr. Yoo Jung-Ho** (Republic of Korea) said that the agriculture sector was exempt from the provisions of the Labour Standards Act on working hours, breaks and holidays because seasonal factors and the attributes of crops required different types of labour; for that reason, it was not easy to apply uniform or universal criteria. Nevertheless, research was being conducted to determine the impact on agriculture that would result from application of the Act, and upon publication of the findings of that research, a consultative body would be set up to recommend improvements.

51. The fact that over 40 per cent of migrant workers in the agriculture sector had changed workplace in 2016 suggested that limitations on workplace change did not have a significant impact on their rights and interests. In 2017, incentives had been introduced to encourage employers to comply with guidelines, along with additional measures to provide protection for workers, allowing them to change workplace in the event of unfavourable changes to their working conditions or wages.

52. *Mrs. Yoon Man Gyu* (Republic of Korea) said that, where industrial action was legal, workers were exempt from civil and criminal liability and were thus fully guaranteed the right to strike. However, in the case of illegal strike action, workers could be held liable. In order to prevent employers from pressing excessive claims, the Government had banned the seizure of any amount exceeding 50 per cent of a worker's salary. Measures to eradicate unfair labour practices had been adopted in June 2017, and broad discussions aimed at improving labour relations were to continue. Legislation provided that all workers had the right to join a trade union if they were currently employed. In view of the Government's intention to ratify all the core ILO conventions, a revision of the law to remove that restriction was to be discussed with stakeholders. Under the Trade Union and Labour Relations Act, a worker was defined as a person who made a living from a wage or payment for work provided, while an employer was the owner of a business, a business manager or a person acting on his or her behalf. As workers who were not covered by the conventional definition could not fully enjoy the right to work, the Government was intending to revise the Act or enact special legislation that would encompass their situation.

53. The "essential business system" struck a balance between the workers' right to take part in industrial action and protection of the public interest. Essential businesses were defined in the Trade Union and Labour Relations Act as establishments in which the suspension or discontinuance of work might cause serious harm to the public; they included rail companies, water providers and hospitals. The system complied with international standards, but the Government recognized that it should not place excessive restrictions on the right to strike, and it was therefore carrying out fact-finding surveys and holding discussions with workers and management to explore possible reasonable improvements. No statistics were currently available on complaints concerning unfair labour practices, but the delegation would supply them later in writing.

54. *Mrs. Jeong Inwon* (Republic of Korea) said that the Government expected the cost of strengthening national health insurance coverage to amount to ₩30.6 trillion over the next five years. To meet that bill, it would increase government support, raise insurance premiums within acceptable limits and endeavour to avoid unnecessary expenditure. The system's cumulative reserves would also be reduced from ₩21 trillion at the end of 2017 to around ₩10 trillion in 2022, which would still be enough to cover 1.5 months of benefits.

55. *Mrs. Ahn Heejun* (Republic of Korea) said that reported social opinion in respect of 16,811 persons tended to vary according to the way in which survey questions were framed, and there was not yet any consensus in respect of specific protective measures for them. There were, however, no provisions in legislation that allowed for any form of discrimination against sexual minorities.

56. *Mrs. Park Jinsoo* (Republic of Korea) said that three bills related to improvements to the civil registration system were currently pending consideration in the National Assembly, and it was hoped that their adoption would facilitate birth registration.

57. *Mrs. Kim Tae Han* (Republic of Korea) said that, as a result of adoption of the 2013 amendment to the Criminal Act, which introduced the offence of human trafficking into its section concerning kidnapping, and abduction, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol) was fully implemented in the country. The range of trafficking situations specified in the law, including for labour exploitation, sex trafficking or the exploitation of organs, made any buying or selling of human beings a punishable act. Aiding or abetting the commission of such crimes was punishable as a separate offence. The principle of universality had also been introduced, with provisions that allowed the prosecution of foreign nationals who had committed such crimes in other countries.

58. **Ms. Chang** Mikyong (Republic of Korea) said that persons who arrived in the country on E-6 visas were given information on the rules governing the process. Employers who were found to have abused the system by bringing workers into the country for the sex trade or other illegal forms of employment were subject to increased penalties and barred from applying for E-6 visas for three years. Where a holder of an E-6 visa had absconded, subsequent requests from the same employer were subject to a more stringent consular interview process in the country of origin. Since 2016, visa applicants had been required to submit a letter of recommendation through the diplomatic mission in their home country and show proof of at least three years' experience in the field of work concerned. Indicators developed by the National Human Rights Commission of Korea had been introduced in 2017 to help prevent human trafficking and protect the victims. Persons who were identified as trafficking victims were given temporary protection and allowed to remain in the country for longer. In the case of trafficking for sexual exploitation, they could seek help from the support centres for foreigners that existed throughout the country, which would provide accommodation, counselling, medical assistance and job-related support. The authorities also provided information for vulnerable migrant workers and marriage migrants on their rights and the avenues open to them in the event of violations.

59. **Mr. Kim** Tae Hun (Republic of Korea) said that most economic, social and cultural rights were listed in the Constitution, while its article 37 (1) specified that the list was not restrictive. The Government recognized that more effort needed to be put into ensuring the broader application of the Covenant rights, and a constitutional amendment to that end was currently under discussion. The Covenant was invoked before the courts, and the Government ensured that it published the concluding observations of the various human rights committees on their consideration of the State party's reports.

60. With the introduction in 2016 of the Improper Solicitation and Graft Act, the authorities were endeavouring to combat corruption involving high-ranking officials. Three related bills, one of which included provision for an investigative mechanism, were currently before the National Assembly. Unfortunately, no statistics were available to show whether perpetrators were public officials, but the delegation would endeavour to supply them to the Committee subsequently.

61. **Mr. Kedzia** said that he was pleased to note the delegation's readiness to help the Committee understand the situation related to implementation of Covenant rights in the Republic of Korea and hoped that the Government would do its best to establish a participatory mechanism to address follow-up to the Committee's concluding observations.

62. **The Chair**, noting the presence in the meeting room of nine judges from the Republic of Korea, said that she hoped their visit had been useful.

The meeting rose at 1.05 p.m.



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Sixty-second session

Summary record of the 56th meeting

Held at the Palais des Nations, Geneva, on Thursday, 21 September 2017, at 3 p.m.

Chair: Ms. Bras Gomes

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Consideration of reports

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Third periodic report of the Republic of Moldova

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Third periodic report of the Republic of Moldova (E/C.12/MDA/3; E/C.12/MDA/Q/3 and Add.1)

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*

2. **Ms. Dumbrăveanu** (Republic of Moldova), introducing the third periodic report of the Republic of Moldova (E/C.12/MDA/3), said that her Government had formulated a plan of action for the implementation of the concluding observations issued by the Committee in 2011 (E/C.12/MDA/CO/2) and had made great strides in promoting economic, social and cultural rights as a result.

3. The adoption of the Equality Act in 2012 had been a significant step forward in the fight against discrimination. Gender equality was a fundamental human rights principle for her Government. A number of important laws and regulations in that regard had been adopted, including a law establishing a 40-per-cent quota for each sex in lists of candidates for parliamentary and local elections, as well as a 14-day period of paternity leave for new fathers.

4. Considerable efforts had been made to promote harmonious inter-ethnic relations under the national action plan for supporting the Roma population for the period 2011-2015. The new plan for the period 2016-2020 focused on the right of the Roma people to participate in public life and decision-making.

5. Among the measures taken to prevent child labour in recent years had been the adoption of legislation amending the Code of Offences in order to increase the penalties for violations of the law governing child labour. A new article had been added to the Criminal Code to criminalize the use of goods produced by children or trafficking victims. In order to promote formal employment, the authorities had taken steps to reduce the cost of doing business, simplify the regulatory framework for business activities and create a more attractive and predictable investment climate.

6. A significant share of the approximately 50,000 unemployed persons annually registered with the National Employment Agency had found work with the help of the services provided. A sizeable number of unemployed persons also benefited from the job fairs and professional training courses offered. A policy framework on a unified public sector remuneration system had been developed in 2017.

7. Turning to the right to social security, she pointed out that cash benefits during the cold-weather season had been introduced. A number of laws aimed at improving the quality of life of older persons and enhancing access to high-quality services through the development of new social services had also been adopted. The Government had begun to implement pension reforms in 2017 with a view to reducing inequalities.

8. The Parliament had passed a law on the protection of children who were separated from their parents or were otherwise at risk. The adoption of a child protection strategy for the period 2014-2020 was another important achievement in the area of the rights of the child.

9. With respect to the right to education, a programme for the development of inclusive education in the Republic of Moldova for the period 2011-2020 had been established. The Government had also adopted a multisectoral strategy for parenting skills training for the period 2016-2020. In an effort to modernize the educational system and provide the best possible education for every child, it had outlined a national school curriculum with a view to ensuring that the fundamental changes envisaged under the Education Code were implemented. A policy framework for the implementation of distance learning in primary

and lower secondary education for children with disabilities had also been developed in 2017.

10. **Mr. Chen** (Country Rapporteur) said that he wished to commend the Government of the Republic of Moldova on its comprehensive report and replies to the list of issues. While the Government had introduced an impressive array of laws, regulations and action plans for the implementation of the Covenant, the achievements to date were less satisfactory because operations on the ground to implement those instruments appeared relatively weak.

11. He would like more specific details of the measures taken to raise awareness among judicial officials, public servants and the general public about the Covenant and its justiciability. He asked whether the Office of the People's Advocate (Ombudsman) was mandated to deal with economic, social and cultural rights and what was being done to address the inadequacy of the Office's financial and human resources. There had been reports that implementation of the national human rights action plan had been undermined because responsibility for carrying it out had been delegated to local authorities as a result of the drive for decentralization. He wondered what measures were being taken to ensure that the plan was properly implemented, monitored and assessed.

12. He would be grateful for an explanation of the reasons for the low level of government spending on areas such as education, health care, social protection and housing as a share of gross domestic product (GDP), as shown in the data provided in response to the list of issues. He would also appreciate more specific information on the impact of the parliamentary decision to halt the implementation of the law on local public finance. He was concerned to note that, according to reports of the Human Rights Council and others, discrimination based on health status, wealth, social origin and sexual orientation and gender identity were not explicitly prohibited. He was also concerned about the staffing shortages and poor working conditions faced by the Council for Preventing and Eliminating Discrimination and Ensuring Equality. Could the delegation comment on the steps taken to tackle those problems? It would be interesting to learn more about the reform of the national disability determination system referred to in the replies to the list of issues (E/C.12/MDA/Q.3/Add.1). When would it be adopted and what substantial changes would it bring about?

13. Turning to the serious issue of the situation of the Roma communities, he asked whether the State party had conducted an assessment of the reasons for the failure of the relevant national action plan for the period 2011-2015, noting that some sources had indicated that only 15 of the 48 Roma community mediators called for under the plan had been appointed. What measures were being taken to ensure the success of the new plan for the period up to 2020?

14. **Ms. Shin** (Country Task Force), welcoming the 40-per-cent quota for women on lists of electoral candidates, said it was not clear whether male and female candidates were required to appear alternately in the lists. She would also like further information on women's representation in elected and appointed positions at the national and local levels of the executive, legislative and judicial branches of government. She asked whether the Government had been consulting with women's organizations on ways to challenge stereotypes. In particular, the prohibition of the dismissal of women employees while they were pregnant or on maternity leave actually worked against them. What was being done to remedy the adverse effects of such employment policies? She wondered why the retirement age in the country was lower for women than for men. She asked how much parental leave was actually taken by fathers.

The meeting was suspended at 3.45 p.m. and resumed at 3.50 p.m.

15. **Ms. Gherganova** (Republic of Moldova) said, with respect to awareness-raising about the Covenant, that the Government had issued a report on the status of implementation of the action plan to implement the Committee's recommendations. However, it did not gather statistics on the application by the courts of the provisions of the Covenant. The low level of government social spending as a share of GDP was due to the economic crisis experienced by the country.

16. **Ms. Pascal** (Republic of Moldova) said that the 2012 Equality Act specified the grounds on which discrimination was prohibited in all spheres of life and those on which it was prohibited in certain specific spheres, such as the labour market. Moreover, the Constitution and the Labour Code both contained provisions relating to discrimination.

17. In 2016, amendments to a range of legislative acts had been adopted in order to ensure gender equality. Under those amendments, political parties would be refused registration if the representation of either gender among its candidates was less than 40 per cent. The draft amendments submitted to the Parliament had contained specific provisions defining the mechanism for enforcing the quota, but those provisions had ultimately not been adopted. Further discussions regarding the most appropriate mechanism for enforcing the quota would be held within the framework of the Gender Equality Strategy for 2017-2021.

18. **Ms. Dumbrăveanu** (Republic of Moldova) said that, before the introduction of the new pension regime on 1 January 2017, the pension age had been set at 62 years for men and 57 years for women. However, the age discrepancy had been found to be discriminatory, and, under the new regime, the pension ages for men and women would be increased incrementally until they both reached 63 years.

19. The Parliament had adopted a law amending the provisions of the Labour Code that concerned unpaid parental leave. The unpaid parental leave to which mothers had previously been entitled had been reduced, as it had been found, *inter alia*, to discourage the employment of women. Both women and men were now entitled to paid parental leave of up to three years and unpaid parental leave of up to one further year.

20. The Office of the People's Advocate (Ombudsman) was mandated to ensure respect for human rights and freedoms by uncovering violations, conducting monitoring, presenting reports at the national level, improving legislation relating to human rights and engaging in international cooperation. It was possible that the Office lacked adequate funding, but the Government was taking measures to support its work and had recently increased the Ombudsman's wages.

21. **Ms. Pascal** (Republic of Moldova) said that women occupied 22 per cent of seats in the Parliament and four positions in the Government. At the local government level, women occupied between 20 and 30 per cent of high-ranking positions.

22. **Ms. Dumbrăveanu** (Republic of Moldova) said that territorial units received income from various sources, including special budget transfers. The Government was considering the possibility of using such transfers to finance social services at the local level. Owing to budgetary constraints, local authorities had not always been in a position to prioritize the valuable work of community mediators. However, there were plans to use special budget transfers to finance their work in the future.

23. **Ms. Isratii** (Republic of Moldova) said that progress was being made in combating corruption at the national level. The National Integrity and Anti-Corruption Strategy for 2017-2020, which had been adopted in December 2016, was the core policy document for coordinating the efforts of public bodies to combat corruption. The previous anti-corruption strategy had been implemented through three successive action plans, and its evaluation by independent experts had found that its implementation had been satisfactory. The efforts made to combat corruption had included the implementation of a national anti-corruption hotline, the enhancement of the regulatory framework governing public procurement, increased use of electronic systems and platforms in the public sector, the introduction of stricter oversight mechanisms in the education system and the strengthening of integrity standards for bodies involved in combating corruption.

24. The work of justice and anti-corruption authorities was one of the pillars of the National Integrity and Anti-Corruption Strategy for 2017-2020. The Strategy would improve the administration of justice, enhance the integrity of judges and raise awareness of judicial corruption. In addition, measures to increase transparency in the judiciary had been taken under the Justice Sector Reform Strategy for 2011-2016. For example, more severe sanctions had been introduced for judges implicated in acts of corruption, the regime of judicial immunities had been reviewed, and legislation on professional integrity had been

updated. The recently adopted legislation on professional integrity was applicable to both the public and the private sectors, and a bill improving the system of sanctions for corruption and money-laundering was under consideration.

25. **Ms. Dumbrăveanu** (Republic of Moldova) said that a reform of the social protection system for persons with disabilities had begun in 2010, the year in which the Republic of Moldova had ratified the Convention on the Rights of Persons with Disabilities. Subsequently, a national strategy to facilitate the social integration of persons with disabilities and a corresponding action plan had been adopted. The National Council for Determining Disability and Work Capacity had undergone a process of reform, which had involved a shift in emphasis from medical to social criteria, and its membership now included teachers and social workers. There were plans to reform the National Council further with a view to improving the quality of services offered to persons with disabilities and re-examining the criteria used to certify disability.

26. **Ms. Pascal** (Republic of Moldova) said that the Ministry of Justice had recently begun the process of developing a new national action plan on human rights, as part of which consideration would be given to the recommendations of civil society and international organizations, and adequate financial resources would be set aside for its implementation.

27. **Mr. Sadi** (Country Task Force) said that he would appreciate detailed information on the efforts made to combat corruption, for example statistics on the number of prosecutions conducted.

28. **Mr. Uprimny** said that it would be helpful if the delegation could comment on the lack of reliable data in the State party's report and in its replies to the Committee's list of issues. For example, the authorities had not provided a satisfactory response to the Committee's request for information on the representation of women in decision-making positions in political and public life (E/C.12/MDA/Q/3, para. 12). On a separate point, he wondered what steps were being taken to ensure that the problem of corruption was addressed from a human rights perspective.

29. **Ms. Shin** asked whether consideration had been given to the possibility of introducing procedures to ensure the effective participation of Roma women and women with disabilities in elected offices and appointed bodies, as recommended in the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fourth and fifth periodic reports of the Republic of Moldova (CEDAW/C/MDA/CO-4-5, para. 24 (c)).

30. **Mr. Kerdoun** (Country Task Force) said that he would be grateful if the delegation could offer specific examples of corruption in the education system and provide more information on the State party's experience in that regard. In particular, he wished to know how acts of corruption were identified and whether pupils and teachers were complicit in their commission.

31. **Mr. Kedzia** said that he would be grateful if the delegation could clarify whether the Office of the People's Advocate (Ombudsman) was mandated to deal with economic, social and cultural rights and provide information on the financial and human resources allocated to the Office, as requested in the Committee's list of issues (E/C.12/MDA/Q/3, para. 3). In addition, clarification regarding the Office's structure and operations would be welcome.

32. **The Chair** said that the State party should take measures to mainstream human rights in public policy. In addition, she wished to know whether the State party planned to adopt comprehensive anti-discrimination legislation expressly identifying the prohibited grounds of discrimination.

33. **Mr. Chen** said that he would appreciate clarification as to how the Government intended to remedy the situation concerning Roma community mediators. He would be interested to hear more about the various actors involved in the development of the national action plan on human rights, whether implementation of the plan would be monitored and whether there was an assessment procedure for such plans.

34. **Ms. Istratii** (Republic of Moldova) said that, over the reporting period, 114 criminal corruption cases had been brought to court. The cases involved authorities such as prison and probation officials.

35. Because action plans and strategies alone were insufficient to combat corruption, one of the Government's priorities was to implement concrete measures, including preventive measures such as anti-corruption awareness-raising activities for the judiciary and the health and education sectors. As part of the effort to foster a culture of zero tolerance of corruption in schools, student exams were conducted under video surveillance.

36. Before their submission to the relevant authorities for approval, bills underwent an assessment to ensure that they complied with anti-corruption and integrity standards. Public officials, including those in the health sector, were subjected to professional integrity testing; statistics showed that as a result of such measures, people had become more intolerant of corruption and reporting of acts of corruption had increased.

37. **Ms. Pascal** (Republic of Moldova) said that there were two Ombudsmen, one for general human rights and one for children's rights. Each Ombudsman had two deputies, who helped to promote human rights. The Office of the Ombudsman, in conjunction with local and central authorities and civil society, prepared an annual report on human rights. Funding for the Office of the Ombudsman came from both the State and donors. Preparation of the 2018 budget was currently in progress.

38. **Ms. Gherganova** (Republic of Moldova) said that mainstreaming the rights of vulnerable groups was central to the activities of the Government. The Gender Equality Strategy for 2017-2021, which took a comprehensive approach to gender equality, addressed issues such as the gender pay gap and climate change. The corresponding action plan included capacity-building programmes for women with disabilities and Roma women. Since 2015, women from a variety of backgrounds had received training in the skills they needed in order to run for office; as a result, for the first time since the country had gained independence, two Roma women had been elected to town councils. As part of government efforts to involve the population sectors concerned in the development of public policy, victims' groups were being consulted in the process of drafting a strategy to combat violence against women.

39. **Ms. Dumbrăveanu** (Republic of Moldova) said that the institution of community ombudsman had been created as part of a series of efforts to support the Roma community. There were currently 13 such ombudsmen. An analysis of the situation had revealed that there were two main reasons for which not all areas originally slated to have a community ombudsman actually had one: a lack of local public funding and, perhaps most interestingly, a lack of individuals willing to take up the office. As a result, a request for State financing for the office of community ombudsman had recently been submitted to the Ministry of Finance. In addition, there were plans to work more closely with local Roma representatives in order to promote the active participation of the community and encourage individuals to serve as community ombudsmen.

40. Monitoring of and reporting on the implementation of national action plans were provided for under the plans themselves. Various ministries, as well as international and non-governmental organizations, could assess and report on the implementation of a given action plan. In most cases, the final reports were made available on ministry websites and were publicly discussed. Implementation problems were generally the result of a lack of financial resources.

41. **Ms. Shin** said that the State party had provided insufficient data in response to the questions raised in the list of issues (E/C.12/MDA/Q/3) concerning article 6 of the Covenant. As the Committee needed basic data in order to assess the progress made by the State party, it would appreciate up-to-date disaggregated data on such matters as employment rates in the country.

42. She would welcome information on the situation regarding the large number of Moldovans who had chosen to emigrate. What measures was the Government taking to provide jobs for its citizens so as to avoid "brain drain"?

43. She asked whether there was a mechanism for enforcing the 5-per-cent quota imposed to ensure the hiring of persons with disabilities and whether non-compliant employers were penalized. She would also like to hear about the policies implemented to make workplaces accessible to persons with disabilities. With regard to the underemployment of Roma persons, she would welcome information on the measures adopted to provide jobs for such persons, especially women.

44. She would appreciate details on how many people were paid minimum wage and whether the minimum wage was applicable to all sectors of the population, including Roma women and persons with disabilities. It would also be useful to learn about the measures taken to enforce payment of the minimum wage. With regard to the question raised in the list of issues (E/C.12/MDA/Q/3) concerning the so-called "envelope salary" (partially declared work), she would like more information on the phenomenon and the measures taken to do away with that widespread practice.

45. The incidence of occupational accidents in the country was high. Given that the Labour Inspectorate visited workplaces only once a year, it would be interesting to learn how the Government ensured safe working conditions at places of employment.

46. The narrowing of the gender pay gap in the State party was commendable; as an example of good practice, she would appreciate an account of how it had been achieved. Nevertheless, women continued to be overrepresented in certain sectors, including education and the informal economy. She would like to hear more about efforts to address the matter of job segregation by sex.

47. She would welcome the delegation's comments on reports that some legislation and policies on issues such as trade unions, labour relations and pensions were adopted without the requisite prior consultation, despite the mandatory nature of such consultation under the law.

48. She had a number of concerns related to the right to social security under article 9 of the Covenant. The coverage provided by the national pension system was insufficient to ensure minimum subsistence levels. In addition, access to social security benefits was difficult for many groups, including residents of rural areas and persons with disabilities. Lawyers, translators and other freelance workers suffered discrimination in access to social benefits such as sick leave and maternity leave.

49. **Ms. Gherganova** (Republic of Moldova) said that just over 40 per cent of the country's approximately 3 million inhabitants were economically active. Some 1.2 million people were employed, while the unemployment rate was just under 5 per cent, or approximately 50,000 people. Most people were working in the service industry and agriculture. Unemployment among men was higher than among women, and the youth unemployment rate was higher than that of the population over 50 years of age.

50. The National Employment Strategy for 2017-2021, which was outlined in paragraph 46 of her country's third periodic report, was funded by the State and by external development partners.

51. The 5-per-cent quota for the employment of persons with disabilities was not currently enforced. However, the bill on employment, which should be adopted in the coming months, provided for grants to incentivize companies to set aside posts and provide reasonable accommodation for persons with disabilities.

52. While underemployment among Roma people was indeed an issue, the number of Roma persons seeking assistance from local employment agencies had increased thanks to a number of measures, including cooperation agreements between such agencies and civil society organizations. In 2016, 800 Roma individuals had found employment through those agencies. The Roma community mediators had also helped to increase employment and school enrolment among Roma people.

53. Estimates for the last five years indicated that there were around 300,000 Moldovan migrants abroad. The Government focused on managing emigration rather than preventing it, and promoted legal migration through bilateral agreements with countries such as the Russian Federation and Italy. Six agreements of that kind had been signed and another six

were being drafted. A mechanism for the reintegration of returning migrants was being piloted and a related action plan for the period 2017-2021 was under way. Steps were being taken to assess the needs of local employers, in comparison to foreign employers, and to build workers' skills accordingly so as to develop a competitive workforce, push up salaries and reduce emigration. In order to create more employment opportunities, the Government had launched entrepreneurship programmes and was striving to make the business environment more attractive to foreign investors.

54. **Ms. Dumbrăveanu** (Republic of Moldova) said that lawyers paid a fixed annual contribution to the social insurance fund and were eligible for the minimum pension and some other benefits. The fixed sum for 2017 was 7,000 Moldovan lei (MDL). Under the general social insurance scheme, employees made monthly contributions, which were topped up by employer contributions, and had access to a wider range of benefits, including the childcare allowance. The Government was reviewing the social insurance scheme for lawyers, based on consultations held with lawyers' associations.

55. All bills relating to employment were reviewed by the National Commission for Consultations and Collective Bargaining. The Commission had raised objections to only one bill in 2017. More generally, all legislative proposals were reviewed by interministerial working groups that included trade union representatives.

56. The minimum wage of MDL 1,000 had not been reviewed since 2014. Various bills providing for wage indexation and an annual review of the minimum wage had been proposed without success. The Government had drafted a policy framework on a unified public sector remuneration system, which would serve as guidance for future legislation in that area.

57. In addition to the social assistance outlined in paragraphs 181 to 190 of her country's replies to the list of issues (E.C.12/MDA/Q.3/Add.1), one-off payments from the social support fund, ranging from MDL 300 to MDL 15,000, were available for families in need. The social assistance programme as a whole focused on the most vulnerable groups and had been the subject of an independent assessment by the World Bank.

58. **Ms. Pascal** (Republic of Moldova) said that steps were being taken to bring national legislation into line with European standards based on the principle of equal pay for equal work. In collaboration with non-governmental organizations and development partners, the Government had conducted two studies, the first on the shortcomings of the national legal framework in that area and the second on the extent of the gender pay gap. The findings of those studies had been discussed during public consultations with various stakeholders, including trade union representatives, and would be used to develop policies to promote equal pay for equal work.

59. There were plans to incorporate the gender dimension into initial and continuous training courses for teachers, in order to combat gender stereotyping. The Government had organized seminars on gender equality and stereotyping to encourage vocational schools to admit girls and boys on the basis of their skills and abilities rather than their gender and to encourage students of both sexes to consider non-traditional occupations. Strategies in that area were being developed at the interministerial level, with support from the Council for Preventing and Eliminating Discrimination and Ensuring Equality. Local employment agencies would be encouraged to distribute information on gender equality and non-traditional occupations to jobseekers.

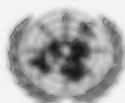
60. **Mr. Sadi** said that he would welcome additional information on the extent and causes of domestic violence, the effectiveness of the mechanism that had been set up to ensure a prompt police response in cases of domestic violence, and the progress achieved as a result of the capacity-building seminars on domestic violence prevention and the efforts to align national legislation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. In particular, he wondered whether the number of cases of domestic violence had fallen and what penalties had been imposed on perpetrators.

61. With regard to trafficking in persons, he would appreciate some specific examples of legal action taken against suspected perpetrators and more information on the impact of the

cooperation agreement that had been signed with Ukraine. He wondered whether the State party planned to sign bilateral agreements with any other countries, how the National Referral System mentioned in paragraph 23 of the State party's replies helped to combat human trafficking, what factors had been identified as contributing to the problem of human trafficking and how the State party was tackling the range of problems caused or exacerbated by emigration, such as high school dropout rates among children left behind by migrants.

62. He asked to what extent the minimum legal age for marriage was successfully enforced and why child marriage remained a problem within the Roma community. Finally, noting that the poverty rate in rural areas was five times the rate in urban areas, he requested what action was being taken on the ground to combat poverty and improve access to drinking water and sewerage systems in rural areas.

The meeting ended at 3.35 p.m.

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Committee on Economic, Social and Cultural Rights

Sixty-second session

Summary record of the 57th meeting

Held at the Palais des Nations, Geneva, on Friday, 22 September 2017, at 10 a.m.

Chair: Mr. Brice Goicoechea

Contents*Consideration of reports*

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Third periodic report of the Republic of Moldova (continued)

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E/C.12/2017/SR.57 (E/C.12/2017/57/0017)



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The meeting was called to order at 10:10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Third periodic report of the Republic of Moldova (continued) (E.C.12/MDA/3, E.C.12/MDA/Q.3 and Add.1)

1. *At the invitation of the Chair, the delegation of the Republic of Moldova took places at the Committee table.*

2. **Ms. Gherganova** (Republic of Moldova) said that unemployment was a particular problem in the countryside, with 70 per cent of persons registered as unemployed living there. However, the number of jobs available in rural areas had increased in recent years, from 6 per cent of the 28,000 jobs advertised in the country in 2011 to 16 per cent of 42,000 in 2016. The authorities also offered opportunities such as vocational training, mobility incentives and public work projects for less skilled workers. Starting in 2018, grants would be made available in rural areas for self-employed persons, microenterprises and small businesses that created job opportunities, particularly for persons in vulnerable groups. Programmes to encourage rural businesses included a particularly successful example, aimed at migrant workers returning from employment abroad, under which the Government provided funding equal to the funds invested. A total of around 3,000 jobs had been created since the programme's inception in 2010, including 900 jobs in 2016, 70 per cent of which were in rural areas. Another 70 jobs had been created in 2016 through the provision of guarantees for bank loans for small business development. In 2016, the National Employment Agency had provided training for 90 of its staff in supporting migrant workers who had returned from abroad; one third of the 3,000 returning migrants registered as unemployed had found jobs that year. In respect of emigration, the Agency had helped 3,500 persons to find legal employment under the country's bilateral agreements with the Russian Federation, Ukraine, Belarus, Azerbaijan, Italy and Israel.

3. **Ms. Dumbrăveanu** (Republic of Moldova) said that statistics from the Labour Inspectorate showed that there had been 61 industrial accidents in 2016, of which 33 had led to the deaths of 36 persons, including 10 women, while 28 had resulted in serious injury to 39 persons, including 19 women. The Labour Inspectorate provided information and held consultations with both employers and workers to raise awareness of safety issues. It had an annual schedule for regular checks of premises and could also carry out unannounced visits at any time in response to reports from workers, employers or the authorities.

4. **Ms. Pascal** (Republic of Moldova) said that the national human rights action plan currently being drafted gave priority to preventing all types of discrimination and ensuring equality among all members of society, particularly vulnerable groups. It included provisions for a stronger legal framework and increased capacity, including investigative and punitive powers, for the Council for Preventing and Eliminating Discrimination and Ensuring Equality. Access to the Council's services would be improved for all minority groups, as would physical access to its premises for persons with disabilities. Its main goal was to build social acceptance of vulnerable and marginalized groups by raising public awareness. Information on that issue had been included in training materials for journalism students and public servants, including police officers. A five-year action plan had been drawn up to combat discrimination against persons of Roma origin, and the school curriculum had been revised to reflect cultural and religious diversity and promote respect for minority religious groups.

5. A national mechanism to combat domestic violence had been set up in 2008 and the relevant legislation had since been amended twice to bring it into line with international standards, most recently in 2016 to ensure that complaints were properly investigated by the police, who were empowered to issue emergency restraining orders. Victims of domestic violence had access to free legal aid and could claim compensation from either the perpetrator or the State. A telephone hotline and web pages for professionals and victims were funded by the authorities, and the Government had recently signed the

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). A 2011 study had identified unemployment, alcohol abuse and a lack of familiarity with non-violent forms of communication as factors contributing to violence against women. With the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other development partners, workshops and training sessions on the topic had been held in 2016 with the participation of survivors, local authorities, law enforcement agencies, health workers and members of the community. The national strategy for the period 2011–2023, which was pending adoption, was structured around the Istanbul Convention pillars of prevention, protection, prosecution and integrated policies, and included action to raise public awareness of the serious nature of the problem, to combat stereotypes, to introduce good practices and to build the capacities of those involved, such as the police and the judiciary. National legislation would be brought into line with the Convention prior to its ratification.

6. **Ms. Huzatu** (Republic of Moldova) said that the number of criminal cases involving domestic violence had risen from 63 in 2010 to a high of 2,270 in 2014, after which it had decreased to 1,679 in 2016. The reduction could be attributed to better training for public servants and greater public awareness. Information campaigns had been devised for schoolchildren, parents and the general public, to make them aware that domestic violence was not acceptable and to inform them of the authorities that could be contacted for help. The police had issued over 3,000 protection orders between March and August 2017, of which 35 had been contested through the appeal procedure, and 139 persons had been charged with violating such orders. Over 1,800 persons, of whom more than 100 were women, had been found guilty of domestic violence offences.

7. **Ms. Pascal** (Republic of Moldova) said that government measures to prevent trafficking in persons included not only the prosecution and appropriate sentencing of perpetrators, but also the provision of protection for victims and support for their recovery. The State party was a country of origin for human trafficking and so placed emphasis on providing assistance to victims and working proactively with persons who might become victims. A national coordination unit had been set up for the National Referral System for the identification and protection of such persons, with the help of the International Organization for Migration (IOM), and multidisciplinary teams worked locally in district-level operational units to ensure the safe return of trafficking victims and prevent revictimization. The Government had begun negotiations on assistance for returning victims with the two main countries of destination, the Russian Federation and Ukraine, in 2009 and 2013 respectively. Children were considered a vulnerable group and the relevant government agencies worked in partnership to ensure their rapid repatriation, taking account of their best interests. In 2016, 38 unaccompanied minors and 43 vulnerable adults with 10 children had been repatriated, as had 23 adults and 17 children in 2017. An international assessment of the National Referral System had been carried out by development partners in 2017, followed by a national assessment conducted with IOM support. The recommendations would be used to develop a new framework for the system for the coming decade.

8. **Ms. Dumbrăveanu** (Republic of Moldova) said that the minimum age for marriage in the Republic of Moldova was 18 years, but derogations of up to two years could be granted, for serious reasons only, by the guardianship authorities at the request of the persons concerned and with the approval of their parents. The reason generally cited was pregnancy. While the nearly 22,000 couples who had been married in the country in 2016 had included only 182 girls and 2 boys under the age of 18, the Government recognized that more needed to be done to improve the situation.

9. **Ms. Shin** (Country Task Force) said that she was concerned that the bilateral agreements signed with other countries might lead to the exclusion of some returned migrants from social benefits, given that some of the agreements provided for payments to the Government while others provided for payments directly to the individuals concerned. She asked the Government to ensure that people received the social benefits and assistance that they required. Moreover, considering that the late payment of wages might be a factor in encouraging migration and that a total of about 140 million Moldovan lei (MDL) was

owed to almost 20,000 government and private-sector employees, she wished to know whether the State party intended to take measures to address the problem of salary arrears.

10. The Committee was concerned about reports that parents who took time off work to care for children with severe disabilities did not receive full retirement pensions. She asked whether the Government would consult with the relevant stakeholders with a view to developing a comprehensive policy.

11. **Mr. De Schutter** said that poverty rates remained extremely high in rural areas, he therefore wished to know whether minimum wage legislation applied to employment in the agricultural sector. With regard to the indication, on the website of the Moldova Investment and Export Promotion Organization, that low labour costs in the country created a competitive business environment for farming and food processing, he questioned whether low wages would attract investment and create employment, or would in fact cause mass migration. Furthermore, he wished to know what progress had been achieved towards ratifying the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

12. Concerning the right to social security, he noted that people who were able to work were required to meet eligibility criteria in order to receive social assistance. In that regard, he wondered whether conditions such as the refusal to accept unsuitable employment might lead to the exclusion of beneficiaries. He would also appreciate information on measures taken to ensure that social assistance was used to meet family needs.

13. Lastly, he expressed concern that, in addition to cheap labour and a reduced rate of corporate tax, investors in free economic zones were promised a 10-year freeze in the legislation applicable to such zones from the moment of their registration as a resident. Did that freeze also apply to minimum wage increases or legislation that might be required in response to emerging environmental risks? He also wondered why the Government had included, in a number of bilateral investment treaties, a guarantee against regulations leading to "indirect expropriation" of foreign investment except under certain conditions related to national security. Had the Government considered that such a provision might be too restrictive?

14. **Mr. Nadi** (Country Task Force) underscored that the right to food encompassed more than just its availability; States parties were also obliged to ensure that food was healthy and free of carcinogens and contaminants. He requested that clear information should be provided on the extent of child labour and the measures being taken to combat it.

15. **Mr. Uprimny** said that the Committee had received reports that at least 35 per cent of the general population was not covered by the compulsory health insurance system. The Committee was also concerned about the quality of health-care services, informal payments to health-care providers and shrinking public spending on health. He asked what steps the Government was taking to address those problems, improve the quality of health-care services and achieve universal access.

16. The State party was to be commended on the ratification of the Convention on the Rights of Persons with Disabilities and the passage of the Equality Act. The Committee was keen to learn about steps taken to eliminate discrimination against specific population groups, in view of reports that persons with disabilities encountered difficulties in accessing health services, that persons living with HIV infection and other conditions suffered discrimination and lack of confidentiality and that Roma people lacked access despite the fact that they generally suffered from poorer health than the general population.

17. Although a good law had been adopted on sexual and reproductive health, patchy implementation had led to the continuation of problems regarding access to contraception, unwanted pregnancies and access to abortion. How did the State party plan to ensure access to sexual and reproductive health care?

18. The Committee was concerned about reports that international funding for the harm reduction programmes adopted for illicit drug users had been withdrawn, resulting in fewer health services and higher rates of hepatitis and HIV infection among drug users. It would therefore appreciate an explanation of the State party's plans to finance and maintain its

harm reduction programmes, as well as a comment on reports that drug users had been subjected to compulsory treatment and detention.

19. Lastly, he asked whether the Government intended to follow the recommendation of the Ombudsman's Office that the draft Health Code should be developed in accordance with the Committee's general comment No. 14 on the right to the highest attainable standard of health (E/C.12/2000/4) and general comment No. 22 on the right to reproductive health (E/C.12/GC/22).

20. **Ms. Liebenberg** asked whether there was a waiting list for the allocation of social housing to individuals whose income was below a certain subsistence level, and how long eligible individuals had to wait. The State party might also give details on the extent to which its social housing programme was specifically adapted to the needs of orphans, young people and persons with disabilities.

21. Recalling that both the Human Rights Committee and the Committee on the Elimination of Discrimination against Women had raised the issue of the forced sterilization of women with disabilities, rural women and Roma women, she asked the State party to explain its policy, including whether it incorporated a human rights-based approach. What measures were being applied to reduce smoking levels and to promote health among Roma women, considering the high incidence of lung disease in that population? Lastly, she asked why multidrug-resistant tuberculosis was on the rise and what countermeasures were being contemplated.

22. **Ms. Crăciunean-Tatu**, recalling that the Committee's general comments Nos. 14 and 22 stipulated that the right to sexual and reproductive health entailed a right to education on sexuality and reproduction that was comprehensive, non-discriminatory, evidence-based, scientifically accurate and age-appropriate, asked whether the State party had implemented or planned to implement the Human Rights Committee's recommendation that sex education and education on reproductive health should be included in school curricula. She was particularly interested in how the State party intended to address the sexual and reproductive health of Roma women, whose traditional attitude was that such matters should only be discussed with mothers and grandmothers. In that context, she wondered whether Roma mediators had proved useful, were sufficient in number and were properly funded.

23. She was concerned about reports that women with disabilities in residential institutions and psychiatric hospitals were subjected to abuse and ill-treatment and could not exercise their right to sexual and reproductive health. In particular, she wished to know whether the Government had implemented the recommendation of the Committee on the Rights of Persons with Disabilities that it should repeal legislation that allowed non-consensual termination of pregnancy on the grounds of psychological or intellectual impairment. What other measures did the State party envisage to ensure that women with disabilities could exercise their right to sexual and reproductive health?

24. **The Chair** said that, in referring to the new draft of the national human rights action plan, the delegation had mentioned only cultural and religious minorities, not sexual minorities. The Committee was likely to address the matter of sexual minorities in its concluding observations.

25. Regarding the "optimization" process, similar concepts had been deployed elsewhere and had resulted in the privatization and decentralization of the provision of goods and services. The Committee wished to learn how the State party would ensure access to health and education for people in vulnerable and low-income groups so as to comply with the principle of equal access and avoid a two-tier system consisting of underfunded public services and unaffordable private services.

26. **Ms. Liebenberg** said that she would appreciate information on measures to manage, monitor, collect and treat waste as an alternative to landfill methods, which had led to soil and groundwater pollution. Information should also be provided on the regulation of agricultural chemicals, in light of the environmental problems caused by persistent organic pollutants.

The meeting was suspended at 11 10 a.m. and resumed at 11 20 a.m.

27. **Ms. Dumbrăveanu** (Republic of Moldova) said that under the newly amended Social Assistance Act, beneficiaries of social assistance were asked to sign an agreement to use the allowance to meet needs such as food, housing, education and medical care. Local multidisciplinary commissions had been created and were empowered to prepare reports on household expenditures, which might result in a warning to the beneficiary family that it was obliged to use its allowance responsibly; purchases not envisaged in the agreement could lead to suspension of the allowance. The amendments to the Act were an important step in ensuring that social assistance was not misused and that it benefited the whole family. Those legislative changes had already produced positive results during the first six months of implementation.

28. The minimum wage, including in rural areas, stood at MDL 2,380 and was reviewed on a regular basis. The Republic of Moldova had ratified the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129) in 1997.

29. To address the delays in the payment of salaries, amendments to the Labour Code had been adopted by the Parliament. Upon enactment, they would significantly increase compensation for late payments; moreover, amendments to the Code of Offences would provide for penalties. In practical terms, companies, labour inspectorates and trade union representatives had signed agreements and were implementing plans to tackle the problem.

30. The Government had adopted several measures to combat child labour, including ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the introduction of amendments to the Criminal Code and legislation relating to child labour; and the creation of a list of the most hazardous and harmful types of work, which children under the age of 15 were not allowed to perform. The Government had also banned the involvement of schoolchildren in agricultural activities during the school year and had implemented measures to assist victims and potential victims. All government bodies that worked with children, including those in the areas of education, health, culture and social services, were obliged to inform the State Labour Inspectorate of cases in which there was a suspicion of violence against children or of their potential exploitation or involvement in unhealthy, harmful or hazardous work. As a result, the State Labour Inspectorate had identified 102 children in 2009 and 142 children in 2014 who had been illegally engaged in employment. No serious injuries to children in the workplace had been recorded in either 2009 or 2014.

31. Time devoted to caregiving by parents of children with disabilities had been recognized for the purposes of social security until 1999, when the Government had introduced a pension system based on individual contributions. Such parents had then received a special benefit from the State budget rather than the social security budget. The Government had recently reviewed and amended its legislation on the social protection of parents of children with disabilities. As from 1 January 2017, years spent caring for children under 18 with serious disabilities would count as pensionable years.

32. **Ms. Gherganova** (Republic of Moldova) said that social housing was provided in accordance with legislation passed in 2015. Persons wishing to apply for social housing needed to register with the local authorities. In order to be eligible, they had to fulfil certain conditions such as not possessing property of their own. Priority was given to persons living in unsanitary accommodation, persons with disabilities who were unable to work, carers of children with disabilities, large families and parentless children who reached the age of majority and did not live in State-provided housing. Payment of social benefits was also contingent upon certain factors: beneficiaries had to be registered with the National Employment Agency and to be actively seeking work. If they refused an offer of employment from the Agency they could be removed from the list of beneficiaries.

33. **Ms. Dumbrăveanu** (Republic of Moldova) said that, although decisions concerning social housing were generally taken by local authorities, national-level projects also existed. In all cases, however, the major constraint was the limited availability of financial resources, which meant that the coverage of social housing was necessarily limited.

34. **Ms. Zatić** (Republic of Moldova) said that the Government had given priority to tackling poor nutrition, which was a major cause of disease. A national food and nutrition programme had been launched in 2014. It included measures to reduce the use of certain

pesticides and to address the issue of additives in processed foods. Mandatory labelling requirements had been introduced whereby additives and quantities of salt, sugar and other elements had to be clearly indicated on food packaging. Stricter advertising standards had been applied to unhealthy food products and the use of children in such advertisements had been banned. The sale of certain foods in the proximity of schools had also been prohibited.

35. Measures had been taken in recent years to develop and modernize medical services, improve access to them and provide ongoing training to medical staff. As a result of those efforts, there had been significant improvements in quality. One major focus was to reduce the social isolation of certain vulnerable groups such as persons with disabilities, rural and Roma communities and migrants. Through the Health Development Strategy 2008-2017 and other policies, the Government sought to provide those groups with the same level of care as the rest of the population, on the basis of the principles of respect, non-discrimination and gender equality. According to medical insurance authorities, 80 per cent of the population had access to medical services and the Government was taking action to extend coverage to the entire population by encouraging people to take out medical insurance and offering reduced premiums for certain categories. Persons with disabilities received support directly from the Government and enjoyed equal access to all the medical services covered under the national health insurance.

36. Studies had revealed that members of the Roma community were inadequately informed about the medical services available to them. The authorities were seeking to bridge that gap through information campaigns so that the Roma would have access to health care on an equal footing with the public at large. As medical data were not disaggregated on the basis of ethnicity, she was unable to provide specific information about higher levels of respiratory or other diseases among the Roma. However, the use of tobacco was regulated by a special national programme and there were laws banning smoking in public places and the sale of tobacco products to minors. Anti-smoking campaigns, some of which were aimed at the Roma population, were carried out on a regular basis.

37. In 2016, MDL 6 billion had been allocated to improve access to medical facilities. Primary medical services were provided free of charge and emergency assistance, which included testing for early signs of a wide range of diseases, was available to the entire population, regardless of medical insurance status. Although the Roma were also covered by those provisions, the fact that they often did not possess identity documents did effectively hinder the exercise of their right to medical assistance. Private data, including the medical records of HIV/AIDS sufferers, were protected under the law. Cases involving the unauthorized release of confidential personal information were reviewed and those responsible were prosecuted.

38. **The Chair** said that the delegation had informed her that replies to questions concerning environmental health would be provided in writing.

39. **Mr. Kerdoun** (Country Task Force) said that he was pleased to see that the authorities of the State party had highlighted the outstanding importance of education, which was also enshrined in the 1994 Constitution. The Republic of Moldova was a multi-ethnic State where minorities accounted for a large proportion of the population. The State had instituted the Inclusive Education Development Programme 2011-2020 and he understood that minority languages — including Russian, Ukrainian and Gagauz, as well as Bulgarian, Polish and German — were used as teaching languages or taught as subjects in school.

40. Nonetheless, he remained concerned that integration efforts did not seem to have been entirely successful and that certain groups in society still had limited access to education. For example, steps to integrate children with disabilities and/or special educational needs had apparently met with some resistance, including at an administrative level. Roma children also faced obstacles in exercising their right to education, and greater efforts needed to be made to tackle that issue and the social segregation that affected the Roma at a wider level. In that connection, he wished to know what results had been achieved by the State Action Plan for supporting the Roma population for 2011-2015.

41. Children in rural communities also had difficulties in gaining access to education. Many schools in rural areas had closed down and a lack of transport meant that children living in those areas were often compelled to abandon their education altogether. He wondered if the delegation could explain the reason for the school closures and, more generally, tell the Committee what measures the Government was contemplating to tackle that worrying state of affairs. The authorities should consider recruiting young teachers in rural areas as well as in Transnistria and the autonomous territorial unit of Gagauzia, where the State apparently had little influence, particularly in the field of education.

42. The authorities had recognized that the national education system was beset by many other problems. Education was underfunded and schools were poorly equipped, particularly with information technology resources. Although primary and secondary education was provided free of charge, and enrolment rates, particularly in primary education, were over 90 per cent, dropout rates were also high. Another major problem was the low social status of teachers. People did not want to go into teaching, as the profession was poorly paid. Salaries had fallen sharply with respect to the national average and scarcely reached the subsistence level.

43. He would be interested to hear the delegation's views about the shortcomings of the national education system as a whole. The Committee would like to receive an update on the progress of the Inclusive Education Development Programme 2011-2020 and to hear about any government programmes or policies for the improvement of the system, inter alia through international cooperation.

44. **Mr. Crudu** (Republic of Moldova) said that 82 per cent of the students in the education system were taught in Romanian; students belonging to ethnic minorities were taught in their mother tongue. In each case, the language of instruction was chosen by the student's family.

45. Segregation did not exist in the education system, as the same rules applied to all sectors of the population and all parts of the country. While the Government had seen some success in recent years as a result of its efforts to increase school enrolment among Roma children, including the construction of preschools and the provision of free textbooks, some Roma families simply did not want to send their children to school. In some areas with large Roma populations, the local ombudsman visited families each morning to remind them to get their children ready for school. The Ministry of Education was committed to exploring further options for improving school attendance among Roma children. With assistance from Romania, the Government had introduced transport services to enable vulnerable students and those who lived in remote areas to travel to school.

46. Funding for education currently stood at 7 per cent of the country's gross domestic product (GDP), a slight decrease from previous years. In schools with fewer than 100 students, funding for teaching staff and technical equipment remained a challenge. The Government was striving to implement models from other European countries to improve conditions in those small schools. While education was compulsory from the age of 7, parents could choose to send their children to school at the age of 6, which had resulted in an additional 1,000 children attending school in 2017.

47. The Government's strategy for inclusive education had achieved some results, notably a steep reduction in the number of students attending special schools, from 11,000 in 2007 to 1,100 in 2017. Approximately 900 of the 1,300 schools in the country had students with disabilities. Throughout the country, the parents of children with disabilities were provided with support to enable their children to attend school. Work remained to be done to further integrate children with disabilities and to educate parents who did not wish to send their children to school. The Government expected to see significant progress by 2020 in the integration of children with disabilities at the preschool level.

48. Steps were being taken to encourage more teachers to work in rural areas. In recent years, between 20 and 28 Roma students per year had continued into higher education. Schools did not record data on the ethnic or social background of students. Given that the funding earmarked by the Government for the education sector for 2018-2019 might prove insufficient, the Ministry of Education would endeavour to ensure that that funding was used efficiently. The Republic of Moldova had received assistance for its education system

from the World Bank, the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United States Agency for International Development (USAID).

49. The Government had undertaken improvements to the country's cultural infrastructure and had received support from European countries, including Romania, to develop museums and theatres. A number of festivals were held around the country, including an intercultural festival to celebrate the cultural heritage of the ethnic minorities present in the Republic of Moldova.

50. In 2016, a pilot project had been implemented to teach schoolchildren about anti-corruption legislation. The Government was focusing its efforts on ensuring that families understood the importance of stamping out corruption in the context of school examinations.

51. In 2015 and 2016, two districts had piloted sex education courses for students between the ages of 11 and 18. While society remained divided on the introduction of such courses, they had been made mandatory in some schools.

52. In the area of water and sanitation, in 2014 the Ministry of Education had adopted common minimum standards for schools in both urban and rural areas. With assistance from the World Bank, 21 schools in rural areas would be upgraded to meet those standards and to improve access for students who were wheelchair users.

53. **Ms. Dumbrăveanu** (Republic of Moldova) said that salary scales for public employees were reviewed on an annual basis. Average salaries in the education sector were on a par with those in other sectors.

54. **Mr. Uprimny** said that he would like to hear the delegation's comments with regard to the alleged lack of integration of ethnic minorities in the education system. He was concerned at reports that the Government no longer allowed names to appear in Russian on identity documents. The Committee would welcome information on Internet access in the State party.

55. **Ms. Shin** said that she would be grateful for additional details of how the State party guaranteed the rights to education and cultural life for speakers of minority languages.

56. **Mr. Crudu** (Republic of Moldova) said that it was compulsory for students belonging to ethnic minorities to study their mother tongue and the history and culture of their ethnic group at all levels of schooling. It was important that those students should also learn Romanian in order to be able to fully integrate into society. Specialized education was also provided in Russian at all levels.

57. All schools in the Republic of Moldova were connected to the Internet and were able to use e-books and e-journals. Even in the most remote villages, parents could access information about their children's studies and school attendance through dedicated online portals.

58. Identity cards were printed in Romanian and English and did not contain a reference to the holder's ethnic background.

59. **Mr. Chen** (Country Rapporteur) said that he wished to extend his thanks to the delegation for the frank and constructive dialogue that had taken place.

The meeting rose at 12:55 p.m.